

Also, petition of Alice C. Trenthart, of Portsmouth, Ohio, favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. DEWALT: Petition of Macungie (Pa.) Grange, protesting against any limitation to the parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of Pennsylvania, requesting that all products of the farm be placed on an equitable tariff basis; to the Committee on Ways and Means.

Also, petition of Henry Wood and 184 others, of Allentown, Pa., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens and organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of the Alexander Hamilton Business Club, of Reading, Pa., favoring the Stevens bill, House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of C. K. Gleason, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the United Trades and Labor Council of Streator, Ill., favoring the anti-Taylor system bill, House bill 8665; to the Committee on Labor.

Also, petitions of sundry citizens of Minooka and Grand Ridge, Ill., favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Illinois League for Nursing Education, favoring House resolution for inspection of dairies; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of Massachusetts Christian Endeavor Union, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of New England Shoe & Leather Association, favoring bill for a permanent tariff commission; to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of San Jose, county of Santa Clara, Cal., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HENSLEY: Memorial of St. Francois County Farm Bureau, relative to standardization of agricultural products and general improvement in market conditions; to the Committee on Agriculture.

By Mr. HILL: Petition of Excelsior Lodge, Knights of Pythias, and Leeds Council, No. 16, O. U. A. M., of Stamford, Conn., favoring House bill 6915, the post-office retirement bill; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of 59 citizens of Somerset, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of Cotton Goods Export Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

By Mr. LOUD: Petition of Freda Girvin and 99 other residents of Shepherd, Isabella County, Mich., protesting against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. MAGEE (by request): Petition of Crest Civic Club, of Syracuse, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Pennsylvania: Petition of citizens of Mercer County; 40 voters of Franklin, Venango County; and 34 citizens of Mercer and Crawford Counties, all in the State of Pennsylvania, for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 150 citizens of Ridgway, Elk County, Pa., against the bill closing barber shops on Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 8 citizens of Emlenton, Venango County, Pa., against House bill 13408; to the Committee on the District of Columbia.

By Mr. MORIN: Petitions of Herman Gunto, Harry W. Riemer, E. J. Taylor, W. L. Johnston, William Grabowsky, C. A. Michel, James E. Graham, Max Mansbosch, Emil Weil, Frank Drabner, F. Benkiser, Alfred A. Perrott, John R. Cowan, John Breen, John Belka, Herman A. Adam, William E. Frye, John J. W. Hoffman, J. M. Mueller, R. Gross, Jacob W. Fanston, Harry Karuff, Fred Bower, William C. Faust, Rev. Charles Krenn, Jacob Die, Rev. John L. Ernst, John Wittmer, Edward Krebs, Theo. W. Janssen, Allegheny County Branch of the German-American National Alliance, Julius Hertz, G. Blatte, David G. Jackey, Enoch J. Guinto, William Janssen, Herman A. Kobe, Herman Janesen, John Schnesler, Bernard H. Janssen, all of Pittsburgh, Pa., and A. Mayer, of McKeesport,

Pa., opposed to United States becoming embroiled in European war; to the Committee on Foreign Affairs.

Also, petitions of Charles M. Chestnut, president Lumberman's Exchange of Philadelphia, Pa., and E. P. Burton Lumber Co., of Philadelphia, Pa., in favor of appropriation of \$1,000,000 toward further construction of Norfolk to Beaufort Inlet waterway; to the Committee on Rivers and Harbors.

By Mr. MOSS of West Virginia: Petition of citizens of Reedy, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Charles P. Swingle, Arthur Swingle, Rev. H. Kaufmann, Herman Kohnken, sr., Henry Kohnken, Christian Kohnken, Herman Kohnken, jr., Gerhard Danz, Jacob G. New, Melchier Zeh, Rev. J. Flierl, George Zeh, Martin Link, Christian Link, Andrew Link, Adam Sourber Henry Zeh, Louis Bartz, Charles Bartz, Henry Shoullice, Louis Shoullice, John Beechner, William Drum, Philip Tanz, Lorenz Tanz, John Zeh, Edwin New, Theobald Newfang, Charles Rex, Henry Rowe, Fred Rowe, Philip Drum, W. H. Foults, Arthur Drum, Charles Drum, George W. Beechner, Henry Paul, William Wittig, John Strobel, Frank Strobel, Walter Strobel, Edwin Strobel, Christian Strobel, William Strobel, Christian Elchhorn, William Conrad, Christian Miller, Harry Schwingel, Mark Schwingel, John Schwingel, Robert Schwingel, Jacob Pritting, George F. Wagner, John Link, Edward Drum, Henry Sick, William Fleischman, Philip Folts, all of Cohocton, Steuben County, N. Y., favoring peace; to the Committee on Foreign Affairs.

Also, petition of John W. Fedder, W. E. Howell, Hiram Carlton, Irving Bronson, John McGannon, Frank Gottfrand, Jacob Aker, Charles Gregorius, John Fahey, W. J. Woods, Sam Kelce, J. Shaffer, Bert Sebring, John H. Herr, and Edwin C. Gay, of Corning and Painted Post, N. Y., favoring peace; to the Committee on Foreign Affairs.

By Mr. RAINEY: Protest of Mrs. M. A. Cory and others of Kane, Ill., against juvenile-court bill; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of First Methodist Episcopal Church of Alhambra, Baldwin Park, and Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Carl Reinschild, of New York City, against bill for numbers on motor boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. C. Barton, favoring the Rainey bill (H. R. 13767); to the Committee on Ways and Means.

Also, petition of New York State Millers' Association, favoring the grain grades bill; to the Committee on Agriculture.

Also, petition of sundry citizens of New York, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Memorial of Wendell (Idaho) Grange, No. 82, Patrons of Husbandry, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of sundry citizens of Milwaukee, Wis., against United States in European war; to the Committee on Foreign Affairs.

By Mr. STINESS: Papers to accompany House bill 15088, granting an increase of pension to Lucy A. Cornell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas (by request): Petition of Theo. Muense, F. H. Spilker, and others, of Stuttgart, Ark., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, April 28, 1916.

(Legislative day of Thursday, April 27, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|--------------|--------------|----------------|------------|
| Ashurst | du Pont | Kenyon | Owen |
| Beckham | Gallinger | Kern | Page |
| Brady | Gronna | La Follette | Pittman |
| Broussard | Hardwick | Lane | Pomerene |
| Burleigh | Hitchcock | McCumber | Ransdell |
| Chamberlain | Hollis | McLean | Saulsbury |
| Clark, Wyo. | Hughes | Martine, N. J. | Shafroth |
| Clarke, Ark. | Husting | Myers | Sheppard |
| Colt | James | Nelson | Sherman |
| Culberson | Johnson, Me. | Norris | Smith, Ga. |
| Dillingham | Jones | Overman | Smith, Mo. |

Smoot
Sterling
Sutherland

Swanson
Thomas
Thompson

Tillman
Walsh
Warren

Williams
Works

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I desire to announce that the junior Senator from Missouri [Mr. REED] is detained by illness from the Senate.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 3769. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

S. J. Res. 63. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 5415. An act to authorize the construction of a bridge across the Fox River at Geneva, Ill.;

H. R. 28. An act to amend an act entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," approved March 1, 1907;

H. R. 177. An act authorizing the Secretary of the Interior to accept the relinquishment of the State of Wyoming to certain lands heretofore certified to said State, and the State of Wyoming to select other lands in lieu of the lands thus relinquished;

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act";

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 4881. An act to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars;

H. R. 6442. An act to provide for the exchange of the present Federal building site in Newark, Del.;

H. R. 7239. An act for the relief of Philip H. Heberer; and

H. J. Res. 79. Joint resolution authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston immigration station and dock connected therewith.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a petition from the American Society of Equity, of Montana, praying for legislation relative to the public lands on the Fort Peck Indian Reservation in that State. I ask that the petition be printed in the RECORD together with the signatures and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD as follows:

Whereas the cooperative farmers of Montana, known as the American Society of Equity, realizing that our country now stands in the midst of difficulties, deem it necessary that all farmers should be induced to raise all food possible; and

Whereas we find a vast area of fertile land on the Fort Peck Reservation practically uninhabited, on account of the present law requiring all homesteaders to pay from \$2.50 to \$7 per acre for said land, one-fifth to be paid at time of entry, the other four-fifths to be made in five annual payments, that said law is keeping actual settlers from this land: Therefore be it

Resolved, That we ask our Senators and Congressmen to introduce a law asking a reduction of one-half of the appraised value of said land and that 10 years' extension of time be granted on all payments after the first one has been made, that being one-fifth down at time of entry.

We also ask that said law be made to cover all payments that have been made, with the exception of commutements, so that the actual settler who is on the land at the present time may receive the same benefits from time of their entry as those who are yet to homestead.

Whereas we consider this one of the first steps toward preparedness, we ask our Senators and Congressmen to act as soon as possible, as the planting time is near at hand, and through this law not only our State but our Government would be greatly benefited, as this is one of our greatest wheat belts.

[SEAL.]

CHARLES E. KISSACK, President,
EVERT EVANS, Secretary,
Portage, Mont.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Woodburn, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Klondike, Oreg., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. GALLINGER presented the petition of John S. Codman, of Boston, Mass., praying for an investigation into the practice of vivisection, which was referred to the Committee on Agriculture and Forestry.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Boelus, Nebr., remonstrating against an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Bancroft, Nebr., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. POINDEXTER presented a petition of Cherry Valley Grange, No. 287, Patrons of Husbandry, of Duvall, Wash., praying for Government ownership of telegraph and telephone systems, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Mrs. Dora B. Sperry and sundry other citizens of Pasco, Wash., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented the memorial of H. E. Nelson and sundry other citizens of Bremerton, Wash., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP. I have received the following telegram, which I send to the desk with the request that it be read into the RECORD, and I make that request.

There being no objection, the telegram was read, as follows:

AUSTIN, MINN., April 27, 1916.

MOSES E. CLAPP, Washington, D. C.:

The Minnesota State Sunday school convention, representing a majority of the churches of the State familiar with the conditions in the Indian country, petitions the Senate of the United States to stand unchanged by its wise and just amendment for ending sectarian appropriations by providing sufficient Government schools. This sentiment, expressed in a resolution, was adopted unanimously. Please read this message into the RECORD.

R. W. McLEOD, President.
A. M. LOCKER, Secretary.

Mr. SMITH of Maryland presented petitions of Monumental Council, No. 13, Sons and Daughters of Liberty; of Independent Council, No. 22, Sons and Daughters of Liberty; of Rescue Council, No. 1, Sons and Daughters of Liberty; of Frances Willard Council, No. 21, Sons and Daughters of Liberty; of Eastern Star Council, No. 10, Sons and Daughters of Liberty; and of Liberty Council, No. 6, Sons and Daughters of Liberty, all of Baltimore, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PHELAN presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the enactment of legislation for the construction of the San Juan Railway in

Colorado and New Mexico, which were referred to the Committee on Railroads.

He also presented a petition of J. Holland Laidler Camp, No. 5, United Spanish War Veterans, Department of California, of Sacramento, Cal., and a petition of Wheaton Camp, No. 8, United Spanish War Veterans, of San Jose, Cal., praying for the enactment of legislation granting pensions to widows and orphans of veterans of the Spanish-American War, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 793) modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont., reported it with an amendment and submitted a report (No. 401) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 833. A bill to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade (Rept. No. 402);

S. 1807. A bill to reinstate Elwin Carlton Taylor as a passed assistant surgeon in the United States Navy (Rept. No. 403); and

S. 3020. A bill waiving the age limit for admission to the Medical Corps of the United States Navy in the case of John B. Bostick (Rept. No. 404).

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with amendments, the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, and I submit a report (No. 405) thereon.

Mr. SWANSON. I should like to ask unanimous consent that the bridge bill just reported be taken up. The bridge is in a wretched condition. It has been condemned. There was a report of the Army engineer made upon it yesterday which shows that it is a very urgent matter. If there is to be debate upon it and objection to the bill, of course I would not press my request.

Mr. SMOOT. I understood the Senator from New Hampshire [Mr. HOLLIS] was going to ask that the Senate proceed to the consideration of the rural-credits bill this morning, and I understand also that the Senator from New Hampshire is perfectly willing to have an adjournment to-day in order that we may have a morning hour to-morrow. The Senator from Virginia can no doubt call up the bill to-morrow morning.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 5783) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 5784) providing for the adjudication of certain claims by the Court of Claims; to the Committee on Claims.

By Mr. HOLLIS:

A bill (S. 5785) granting an increase of pension to Zemri Stearns (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5786) granting a pension to Catherine E. Ranney; A bill (S. 5787) granting an increase of pension to Mary C. Hill (with accompanying papers); and

A bill (S. 5788) granting an increase of pension to Thomas Bracken (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5789) granting an increase of pension to Sue Rains (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 5790) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on Territories.

By Mr. POINDEXTER:

A bill (S. 5791) granting an increase of pension to Mary R. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5792) granting a pension to Thomas J. Thompson; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5793) granting an increase of pension to Mary A. McElroy (with accompanying papers); and

A bill (S. 5794) granting a pension to Mrs. Lucy K. Kellogg (with accompanying papers); to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

INCREASE OF CADETS AT MILITARY ACADEMY.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

GEO. E. CHAMBERLAIN,

G. M. HITCHCOCK,

H. A. DU PONT,

Managers on the part of the Senate.

JAMES HAY,

S. H. DENT, Jr.,

JULIUS KAHN,

Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On April 26, 1916:

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States district court for the middle district of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

On April 27, 1916:

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina at Raleigh, N. C.

On April 28, 1916:

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

RURAL CREDITS.

Mr. HOLLIS. I ask that the rural credits bill be laid before the Senate and proceeded with.

The VICE PRESIDENT. The Chair lays Senate bill 2986 before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide for the investment of postal savings deposits, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. HOLLIS. Mr. President, I urge the attention of the Senator from Utah [Mr. SUTHERLAND] to a matter that we were discussing when the bill was last laid aside, on page 32, the provision that "no such loan shall be made to any person who is not at the time, or who does not in his application promise shortly to become, engaged in the cultivation of the farm mortgaged." I assure the Senator I will take that up again and try to reach some solution. The only improvement I can suggest is that the provision be amended so as to read as follows:

No such loan shall be made to any person who is not at the time, or who does not in his application state his intention to become within six months, engaged in the cultivation of the farm mortgaged.

That would be a statement of a fact subject to proof whether he did have such an intention or not. If he did not have such an intention and there were proof of it, such as would convince a jury, he could be prosecuted for having made a false statement in his application. Then I would add to that—

Mr. SMOOT. Will the Senator repeat his proposed amendment?

Mr. HOLLIS. I suggested to make it read:

Or who does not in his application state his intention to become within six months—

And so forth.

The point is this: If a man promises to do something and does not do it, he can not be prosecuted for false pretenses. If he states that he has an intention to do something when he has not, then he has made such a statement that he could be prosecuted for making a false statement of fact in his application.

I think there should be added to that a provision at the top of page 34 that on a failure to comply with the terms of his application the mortgage may be foreclosed. I can not think of any way that would make that any more binding on the borrower than I have suggested, but any of these several ways which have been suggested I think would work out practically about the same.

Mr. SUTHERLAND. Mr. President, that seems to be a rather shadowy basis to base the prosecution upon; that is, to undertake to prosecute a man upon the ground that he had declared an intention to do a thing when, in fact, he had no such intention. It is pretty difficult to get into the human mind to find exactly what a man intended. The Senator is familiar with the rule that no man can be prosecuted for perjury for having promised to do something which he did not do.

Mr. HOLLIS. Yes; but the promise to do something and having a present intention to do it are very different things. An intention is a present state of mind that is susceptible of proof and definite determination. If a man states his present intention to do something and later you prove that he had no such intention, he can be prosecuted for perjury.

Mr. SUTHERLAND. The Senator may be right about that. The line of distinction is sometimes a very narrow one. But I suggest to the Senator that it would be always an exceedingly difficult thing to prove what the intention of the individual was. After all, the intention is something within his own mind. It is not manifested necessarily by any outward circumstance. I think the Senator will be putting something into the bill that would be very difficult at least of enforcement.

It seems to me the thing to do is to leave the matter to the officials who have to deal with it. If the Senator will make provision that the officials who are responsible for making the loan shall be satisfied that the individual intends to do this thing, then he will have afforded some definite test, but if he simply provides that it shall rest in the intention of the individual, that being a matter wholly in his own mind, I think you will have such a shadowy test that it will be very difficult of enforcement.

Mr. McCUMBER. Mr. President—

Mr. HOLLIS. If the Senator will pardon me, as I said at the outset I think any one of these ways will work out practically, because the land bank will have to be satisfied it is so before it makes the loan. It must exercise its judgment as to whether

to make the loan or not. I am quite sure it will be satisfactory in any one of the three ways suggested; but, as I said, it is immaterial to me. I yield now to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask the Senator if the provision he has just stated is one that refers to ownership, becoming the owner to the land?

Mr. HOLLIS. Yes.

Mr. McCUMBER. I suggest to the Senator that I can not imagine any great difficulty there, because I do not suppose that the money will be advanced until there is a mortgage, and a mortgage can not be given until there is ownership of the land, and the record shall show it.

Mr. HOLLIS. No; this is a promise to cultivate the land mortgaged. I did not understand the Senator.

Mr. McCUMBER. That is the reason why I asked whether it had reference to the title.

Mr. HOLLIS. It is a promise to cultivate. For the purpose of getting this matter definitely stated and leaving it open, so far as I am concerned, to future consideration, if anyone desires to have it changed, I will move, on line 16 of page 32, that the word "promise" be stricken out and that there be inserted in place thereof the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 32, line 16, it is proposed to strike out the word "promise" in the committee amendment and in lieu insert the words "state his intention."

The VICE PRESIDENT. The amendment to the amendment will be agreed to, without objection; and, without objection, the amendment as amended will be agreed to.

Mr. HOLLIS. Then, at the top of page 34, at the beginning of line 2, I move to insert "fail to comply with the terms of his application, or." The result of that amendment is that if a man borrows and then does not comply with the terms of his application the mortgage may be foreclosed.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, after the word "shall," at the end of line 1, insert the words "fail to comply with the terms of his application, or."

Mr. STERLING. Mr. President—

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. STERLING. I merely wish to ask the Senator from New Hampshire in regard to paragraph 9, on page 33, which names the maximum which may be loaned to any one borrower. Should not that paragraph also state the minimum? Was not that the intention? I think previously in the bill a minimum is named, and should not a minimum be named here? I suggest as an amendment after the numerals "\$10,000," that the words be inserted "nor shall any loan be less than the sum of \$200."

Mr. HOLLIS. I think the distinguished Senator is in error in stating that there is a minimum limit. That is merely at the outset in the forming of loan associations. The Senator will find it on page 22. After the loan association is once formed, there is no reason why a man should not borrow less than \$200 if he desires; and I can not see any reason for having any minimum stated.

Mr. STERLING. Mr. President, I had thought that in the matter of a farm loan under this system there ought to be a minimum, and that it would not, as a business proposition, be wise to permit of loans in a less sum than \$200; and that there ought to be at least that minimum limit to the amount which he could borrow. If a man must have a less sum than \$200, let it be from some other source and in some other manner than by mortgage of his land to a Federal land bank. Such would be my idea in regard to it.

Mr. HOLLIS. I have not previously heard that view urged. It would occur to me that there might be a good many cases where men might want to borrow less than \$200, and might properly borrow it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Hampshire [Mr. HOLLIS].

The amendment was agreed to.

The SECRETARY. The pending amendment is on page 33, section 12, after line 16, where the committee propose to insert:

Taxes or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of 6 per cent per annum.

Mr. HOLLIS. Mr. President, I think that in nearly every State if a mortgagee pays the taxes on the land mortgaged, he would be undoubtedly subrogated to the right of the taxing power and be allowed to collect, but in order to have that clear, and thinking that in some States it may be otherwise, the committee have thought it proper to annex this condition. I believe the rate should be 10 per cent per annum. I think in most

States for delinquent taxes there is a rate of at least 10 per cent charged. I ask unanimous consent to change the rate of interest, in line 19, from "6" to "10" per cent before this committee amendment is voted on.

The VICE PRESIDENT. If there be no objection, that amendment to the amendment will be made. The question is on the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Banking and Currency was, on page 34, line 2, after the word "condition," to insert "or covenant," and in line 3, after the word "shall," to insert "at the option of the mortgagee," so as to make the clause read:

Twelfth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal farm-loan board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the farm-loan association, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "borrower," to strike out "or of the farm-loan association," so as to make the clause read:

Funds transmitted to farm-loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm-loan bonds, at the option of the borrower.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 22, on page 35, the last clause read being as follows:

(b) Parcels of land mortgaged to it as security.

Mr. STERLING. Mr. President, I should like to call the attention of the Senator from New Hampshire to page 35, line 22, clause (b), that being one of the powers given the Federal land bank. Under (b) the bank will have the power to acquire and dispose of "parcels of land mortgaged to it as security."

I wonder if it is the intention to give the general power to a farm-land bank to buy lands which have been mortgaged to it as security, to purchase them at any time and to dispose of them, or is it meant that it shall acquire those lands simply in the course of the satisfaction of the mortgage debt, which I think is covered by subdivision (c).

Mr. HOLLIS. The provision to which the distinguished Senator calls attention is meant to cover transactions arising in States where the title passed to the mortgagee, where there is a default, in a case where there is a conditional sale. Therefore the mortgagee would have the right under his present title, if he acquired under foreclosure, to take peaceable possession and to hold the land until the mortgagor complied with the conditions of the mortgage. It is merely meant to cover a case of that kind, where the mortgagee would take temporary possession and proceed to foreclose finally if it became necessary to do so.

Mr. STERLING. Mr. President, it seems to me there should be some language limiting it, because the terms are very general, and on the face of the statement it would give power to acquire any lands mortgaged to a land bank as security and to dispose of them.

Mr. HOLLIS. I agree with the Senator in the thought that this matter should be covered, and I am willing to have an amendment added at the end of the line. Perhaps the expression "under default" would cover it, or the words "where default has occurred"; and I ask unanimous consent that the words "where default has occurred" be added, on page 35, at the end of line 22, before the period.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 22, after the word "security," it is proposed to insert the words "where default has occurred."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Banking and Currency was, under the subhead "Powers of Federal land banks," in section 13, page 36, line 11, after the word "Eighth," to strike out "To accept time deposits and to pay interest on the same, as provided in section 18 of this act," and insert "To borrow money, to give security therefor, and to pay interest thereon," so as to make the clause read:

Eighth. To borrow money, to give security therefor, and to pay interest thereon.

The amendment was agreed to.

The next amendment was, on page 36, line 21, before the word "Federal," to strike out "on," and insert "of," so as to make the subhead read "Restrictions of Federal land banks."

The amendment was agreed to.

The next amendment was, under the subhead "Restrictions of Federal land banks," in section 14, page 37, line 1, after the word "act," to strike out "but this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act," so as to make the clause read:

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 37, line 6, after the words "section 17," to strike out "or for short terms as provided in section 18," so as to make the clause read:

Second. To loan on first mortgage except through national farm loan associations as provided in section 7 of this act, or through agents as provided in section 17.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, in connection with the discussion of land credit, I wish to direct attention to a phase of the land question which clamors for settlement, a matter distinct from the general subject of rural credits, but frequently confused with it.

A vast and growing number of American farmers are reduced to such conditions that they have no land to offer as security for loans, no means to acquire land which they might offer as such security for loans of balances due on purchase, and hardly enough left after the landlord, the merchant, and the banker are paid from the proceeds of their crops to keep body and soul together until another crop is made. Whatever meager personal goods they hold are mortgaged for tools and food at a rate of interest so enormous as to keep them in poverty. Their wives and children must, as a rule, labor with them in the fields. As a result their children either have no schooling at all, or very little. They are in a state of financial servitude, from which there is little or no hope for escape under present conditions. These restless, discontented multitudes of men, women, and children, who have no place they may call home, whose earnings, toil as they will, are hardly sufficient for the bare necessities, present a problem that becomes more pressing every hour. The percentage of tenant farmers in the United States increased from 25 per cent in 1880 to 37 per cent in 1910, while the percentage of our rural population decreased from 70 per cent in 1880 to 53 per cent in 1910. It is the statement of Mr. Charles W. Holman, secretary of the National Conference on Marketing and Farm Credits, that in the last 10 years in Texas and Oklahoma the ratio of increase of tenant farmers has been double that of land-owning farmers; that in the States of Alabama, Arkansas, Tennessee, Georgia, Louisiana, Texas, Mississippi, South Carolina, North Carolina, Missouri, Kentucky, Indiana, Nebraska, Michigan, Wisconsin, Minnesota, and California there has been an actual increase since 1880 of 994,361 tenants, while home-owning farmers have increased but 606,755; that in the States of Illinois, Iowa, Kansas, New York, Ohio, and Pennsylvania tenant farmers have increased to the extent of 121,167, while the number of home-owning farmers has actually decreased to the extent of 62,915. But what of the country at large? In this connection let me say, Mr. President, that the last census shows that of the 20,000,000 families in the United States, less than 6,000,000 own their homes free from incumbrances, nearly 11,000,000 American families living in rented homes.

In this connection I want also to cite the fact that the Society to Lower Rents and Reduce Taxes on Homes, an organization located in the State of New York, published, on September 2 of last year, a statement showing that 13 families on Manhattan Island owned land of a total value of \$205,404,875, or \$15,800,000 to a family, the amount owned by these families being one-fifteenth of the value of all the land on the island. The total number of families in that borough was placed at 560,000. The 13 land-owning families are as follows: The Astors, Vanderbilts, Rhinelanders, O. B. Potter properties, J. P. Morgan, E. H. Van Ingen, Wendels, Goellets, Ehret, Gerrys, Charles F. Hoffman estate, William R. H. Martin, and Eugene Hoffman.

An interesting fact brought out in that connection was that the value of the improvements which these 13 great families have placed on the land was only one-fourth of its value, while the value of the improvements placed on the land by owners of small homes in Manhattan was three times the value of said land. It was demonstrated, therefore, that the small home owners were being taxed for the benefit of the 13 great families I have mentioned.

Mr. President, an aristocracy is rapidly developing in this country, built on the concentrated ownership of lands and also on the concentration of other forms of wealth, an aristocracy that riots in unmeasured luxury, an aristocracy for the most part selfish, indifferent, and cruel. It is the statement of Mr. Benjamin C. Marsh, the executive secretary of the Association for an Equitable Federal Income Tax, that less than 5 per cent of the population of the United States own nearly all the value of land and nearly all the acreage.

Commissioner Davies, of the Bureau of Corporations, reported in 1914 that 1,694 timber owners held in fee over one-twentieth of the land area of the United States, from the Canadian to the Mexican border—a total of 105,600,000 acres—and that 16 holders own nearly half of this amount, or about 47,800,000 acres. This is an alarming situation. The United States is becoming a land of the landless.

Sir, we talk of preparedness against war, and no man favors it more earnestly than I do. Let me say to you that the most effective step this country may take to secure permanent preparedness against all foes is to utilize part of its vast credit in anchoring the people to the land. If you would have this Nation invincible, make it a nation of homes. The home problem presents an emergency so tremendous and so pathetic as to justify the employment of a substantial portion of the Government credit in aiding our landless and homeless millions to acquire lands and homes. This has been done with gratifying results in Great Britain, Australia, New Zealand, and other countries. Some of our States are already considering such steps, Oklahoma and Massachusetts having enacted measures with such ends in view.

Mr. OWEN. Mr. President, would it interrupt the Senator to call his attention to the extraordinary efficiency of the German people, due to the very pains taken by the national power there in abolishing poverty by finding employment to occupy the people and teaching them how to make a living?

Mr. SHEPPARD. I think the Senator's suggestion is a very valuable one. Let us have a Federal home-loan law, enabling the Federal Government to make loans or sales at low interest rates and on long time to worthy homeseekers, either directly or in cooperation with States, and perhaps other political divisions.

For many years the Federal Government protected the wages and incomes of the masses by offering them homes on the public domain. This served as a safeguard against the oppression of the laborers of factory and farm. Now that the public land available for homes has been nearly all preempted shall this safeguard perish? The public land is no more the public domain than the public credit—the Government credit, which is the common possession of all the people. Let the priceless bulwark of home ownership on easy terms, such terms as private collections of capital could never offer, be preserved.

The Secretary of Labor in his last annual report makes an epoch-marking suggestion. He says:

It will not be enough to hunt "manless jobs" for "jobless men." Any efficient public employment service of a national character must go beyond that. Unless it does, "manless jobs" giving out while "jobless men" remain, the causes of involuntary unemployment will continue to express themselves to the great prejudice of the wage workers of the United States, and consequently to the harm of all industrial interests. In my opinion, therefore, the labor-distribution work of this department should extend to some such development of the natural resources of this country as will tend to make opportunities for workers greater than demands for work and to keep them so.

For this purpose further legislation will be necessary. But it need not be either voluminous or revolutionary. Nothing more is required than a judicious utilization of Government lands.

Title to some of the old public domain still remains in the Government. By a recent decision of the Supreme Court, Congress is soon to have the power, and to be under an obligation, to treat with land-grant railroads regarding the terms on which large areas of that domain heretofore granted away may be restored. There are extensive areas of privately owned but unused farming land in most or all of the States, which might be acquired by the General Government for promoting labor opportunities as advantageously as other areas have been acquired or retained by it for the creation of public parks. If Congress were to adopt, with reference to those lands, a policy of utilizing them for promoting opportunities for employment, the benefits of the labor-distribution work of this department, and of State and municipal public employment offices throughout the United States, would be vastly augmented.

For such a policy the homestead laws seem to afford a legislative basis and their history to furnish valuable suggestions. Those laws relieved the industrial congestions of their day by opening the West to workers of pioneering spirit who set up individual homes and created independent farms in waste places. But the day of the individual pioneer is over. From the Atlantic he has moved westward until the Pacific throws him back again into crowded spaces, and new forms of industrial congestion have consequently developed. To the relief of these the old form of homesteading is not adapted, but the homesteading principle persists. The problem is how to adapt that principle to changed circumstances.

One necessary condition is that the General Government shall retain title to the public lands it already holds. Another condition is that from time to time it shall reacquire title to such lands, formerly owned by it but now privately owned, as are held out of use and may be

reacquired upon reasonable terms. Still another condition is that the Government, from time to time, shall acquire title to such privately owned lands in different States as may be usefully devoted to the purpose of opening opportunities for employment. All this need not be done at once. A satisfactory beginning may be made with public lands already available for the purpose in question. But it is necessary that the Government shall not lightly divest itself of title to any lands it may set aside for labor opportunities.

Mr. SHAFROTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. Certainly.

Mr. SHAFROTH. How can these Western States that have millions and millions of acres of land in governmental ownership ever support a State, county, or school government if that is going to be the policy of the Government?

Mr. SHEPPARD. The policy I speak of will help the Western States. It will mean the more speedy sale of public lands to home owners. It will give these States more home owners, and that is what they want. These home owners will help to support the State.

Mr. SHAFROTH. Yes; but these lands are situated in the States; and if these lands are to be held by the Government and the title is to remain in the Government, there is no power on earth by which they can be the subject of taxation.

Mr. SHEPPARD. The idea is that the public lands available for homes shall not be too hastily disposed of, but that they shall be held only until they can be sold for this purpose under proper safeguards. But the disposition of existing public lands is not essential to the main question. The point I am making to-day is that we must maintain the homestead principle, which protected the masses of the people up to a few decades ago from oppressive conditions in the cities and in the wage-paying industries.

The Secretary of Labor continues:

Regulation of private tenures created pursuant to this purpose should fit the circumstances of particular cases. It is therefore suggested that private titles to lands set aside for the indicated purpose be so adjusted by the Department of Labor to its work of labor distribution as to prevent inflation of land values. This precaution is of extreme importance. Wherever inflation of land values might enter in, the proposed method of promoting labor distribution would be obstructed.

There is still another essential condition. Equipment for farming and education in farming as well as a place for farming are needed. All three, however, could be met by an appropriate unification of some of the activities of the Departments of the Interior, of Agriculture, and of Labor. Pursuant to such unification Congress might provide a "rotary fund" for lending purposes; that is, a fund to be used over and over again for those purposes and to be maintained by repayments of loans.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. SHEPPARD. Yes; I yield, Mr. President.

Mr. OWEN. I call the attention of the Senator to the fact that the Government of the United States is now using a rotary fund in furnishing means to various Indians for the purpose of teaching them self-support by agriculture. That fund, as I say, is a revolving fund.

Mr. SHEPPARD. I am very glad to have that statement, Mr. President.

The Secretary of Labor continues:

Out of this fund Congress could authorize the departments named above to make loans, through the Department of Labor, to settlers placed by this department upon lands set aside for that purpose in accordance with the authorized plan for thus augmenting labor opportunities. Those loans could be safeguarded, without commercial collateral, by resting them upon the best possible basis of industrial credit—ability, opportunity, and character—and by establishing in connection with them a system of community credits adapted to the circumstances.

By their educational processes the Departments of the Interior and of Agriculture could make efficient farmers of inexperienced but otherwise competent workers seeking that vocation. By its marketing plans the Department of Agriculture could guard borrowers from the "rotary fund" against commercial misfortune in disposing of their crops. By its labor-distribution functions the Department of Labor could bring the right men to the right places on the soil and settle them there under favorable circumstances. And by their several appropriate functions these three departments, cooperating under appropriate legislation, could multiply demands for labor in rural regions and minimize labor congestion at industrial centers.

It is a reasonable prediction that such a policy would develop in country and city an economically independent and socially progressive population. The results would be analogous in our time to those of the homestead laws at an earlier period.

Mr. President, let these suggestions of the Secretary of Labor be extended to cover the acquisition of farm homes with Government aid for both landless and jobless men. The rural districts are rapidly decreasing in population.

A Federal home-loan and aid law and a short-term rural-credit law will go far toward remedying fundamental economic evils while a permanent land-mortgage system is being developed.

One of the greatest national needs is to turn the trend of population from the cities back to the farm home. It is fundamentally a national need. It is essential to the Nation's liberty and life.

Of course, it is exceedingly questionable whether the power of the Federal Government, under the Constitution as it now reads, covers the use of its funds and its credit for the acquisition of lands and the distribution of those lands on the homestead principle among the people. I therefore submit an amendment to the Constitution along this line, and ask that it be read, and ask unanimous consent to introduce it at this time.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 127) proposing an amendment to the Constitution of the United States, giving Congress the power to purchase, hold, improve, subdivide, and sell land and to make loans for the purpose of promoting farm-home ownership, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

AMENDMENT —

The Congress shall have power to purchase land anywhere in the United States, hold, improve, subdivide, and sell the same, and also to make loans for the purpose of encouraging and promoting farm home ownership in the United States: *Provided, however,* That this amendment shall not be deemed to authorize the sale of such land at less than the cost thereof.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. SHEPPARD. I yield.

Mr. CLARK of Wyoming. Of course, I do not wish to object to this being read as a part of the Senator's remarks; but I think it is my duty to call attention to the rule in regard to the introduction of other matters while a Senator has the floor and is making a speech.

Mr. SHEPPARD. Do I understand that this amendment can not be introduced by unanimous consent, Mr. President?

The VICE PRESIDENT. It is the duty of the Chair to prevent any person from interrupting a Senator while he is talking by the introduction of a bill, joint resolution, or any other document. Whether the Chair is under the duty of interfering with the Senator from Texas, the Chair is in very grave doubt.

Mr. SHEPPARD. I do not see how a man could interrupt himself in this way.

The VICE PRESIDENT. The Chair is unable to speak for the Senator from Texas.

Mr. CLARK of Wyoming. If the Senator from Texas is an exception to the rule that bills or resolutions shall not be introduced while a Senator is speaking—

Mr. SHEPPARD. Mr. President, I should like to have the matter ruled on anyway.

The VICE PRESIDENT. There is not any objection to the Senator's introduction of a resolution. This suggestion was largely humorous on the part of the Senator from Wyoming. Shall the amendment be referred to the Committee on the Judiciary?

Mr. SHEPPARD. Yes, sir.

Now, Mr. President, if this amendment seems to strike anybody as radical or socialistic, I want to call attention to a similar amendment to the Constitution of the conservative State of Massachusetts, which was adopted in that State last November by a popular vote of 3 to 1; and I ask the Secretary to read it.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

CONSTITUTION OF MASSACHUSETTS.

ARTICLE OF AMENDMENT ADOPTED NOVEMBER, 1915.

The general court shall have power to authorize the Commonwealth to take land and to hold, improve, subdivide, build upon, and sell the same, for the purpose of relieving congestion of population and providing homes for citizens: *Provided, however,* That this amendment shall not be deemed to authorize the sale of such land or buildings at less than the cost thereof.

Mr. SHEPPARD. As a matter of fact, this Massachusetts amendment and my amendment are the antithesis of socialism. The object of these amendments is to preserve the institution of private-land ownership, to preserve it for the masses.

Mr. WALSH and Mr. THOMAS addressed the Chair.

Mr. SHEPPARD. I yield to the Senator from Montana.

Mr. WALSH. I desire to inquire of the Senator from Texas if he is able to advise us as to the attitude of the Senators from Massachusetts upon that amendment?

Mr. SHEPPARD. I judge from the speeches that have been made by the Senators from Massachusetts opposing the acquisition by the Government of an armor-plate plant and of a nitrate plant, and opposing the principle of extending governmental activities along these lines, that they may not be in sympathy with the action of the overwhelming majority of the people of Massachusetts in voting to put the State into the business of buying land and selling it to the people for homes.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I yield; yes.

Mr. THOMAS. If the Senator will so amend his proposed amendment to the Constitution as to require the Government to sell some of the land it already owns, I will support it with a good deal of enthusiasm.

Mr. SHEPPARD. Well, Mr. President, this idea that I have suggested includes the sale of the land the Government now possesses and creates circumstances under which it may be sold.

I merely wanted, Mr. President, during the discussion of land credits, to bring the attention of the Senate to a question that is going to assume greater and greater importance as the years pass by. The land question is to-day one of the most fundamental and the most important questions before the country. The fact that the land is rapidly passing away from the possession of the people, that its control is being centered in the hands of the few, is one of the most alarming facts of contemporary history. The United States is becoming a country of tenants and boarders. A land without homes is a land without hope, a land without liberty, although it may wear the garb of a republic and boast of treasures beyond the human brain to comprehend.

Mr. POMERENE. Mr. President, may I ask the Senator from Texas what amount of land is allowed for homestead purposes in the State of Texas now?

Mr. SHEPPARD. Does the Senator mean what amount of the public land may be sold to individuals for homesteads, or what amount of land is exempted from debt as a homestead?

Mr. POMERENE. Well, perhaps that expresses my thought more accurately.

Mr. SHEPPARD. The two propositions are different, as the Senator understands.

Mr. POMERENE. They may be, of course, and they may not be.

Mr. SHEPPARD. Two hundred acres are exempted from debt as a rural homestead.

Mr. POMERENE. And what amount is exempted from sale for debt?

Mr. SHEPPARD. Two hundred acres. A section of land—that is, 640 acres, may be bought from the State for a homestead on 40 years' time at a very low rate of interest. Grazing homesteads comprise more than one section.

Mr. HITCHCOCK. Mr. President, I want to say a word of commendation for the pending bill, which I shall call the Hollis bill. It seems to me that the Senator from New Hampshire is entitled to unusual and particular credit for the preparation and perfection of the simple, strong, and comprehensive measure which is now before the Senate.

I do not take the gloomy view presented by the Senator from Texas.

Mr. SHEPPARD. Mr. President, the Senator did not understand me to bring forward my suggestions as criticisms of this particular measure?

Mr. HITCHCOCK. No; I did not.

I come from the West, where agriculture is prosperous, where agriculture is developing, where home owning is the rule. It is true, however, that the farmers in the West are borrowers. They ought to be borrowers. We have not sufficient capital in the West for the proper development of our farms; and the bill now before the Senate provides in a simple way for accomplishing something which has never yet been accomplished in the United States, and that is for bringing the farmer who wants to borrow money for legitimate purposes into close contact, under Government supervision, with the money lenders who have the capital to invest.

Mr. President, capital in this country is abundant, but to the farmer it is comparatively inaccessible. Through the Federal reserve act and through other legislation enacted by Congress capital has been made readily accessible to the merchant, the manufacturer, and the business man of the industrial centers

and of our cities. This bill, in my opinion, will make capital accessible to the farmer on the most favorable terms.

It is true, Mr. President, that the farmer in the past has borrowed money, and I speak of the farmer of the West because I know him better than I know the farmers of other sections. The great difficulty has been, however, that he has been compelled not only at times to pay an excessive rate of interest but practically at all times to pay an excessive commission to the middleman or agent who has procured for him the loan that he needs. Reduced to its simplest statement this bill establishes a new middleman, provides him with capital, regulates his charges and his profits, and in that way gives to the farmers of the country an opportunity to procure from the money lenders their loans not only at the lowest possible rate of interest but at the minimum of cost.

Mr. President, I have heard some opposition to this bill expressed here in the Chamber, though I am glad to say not much, and I attribute the absence of opposition very largely to the fact that the bill has been so admirably drawn and so thoroughly digested that it is very difficult to make legitimate criticism.

We have been told by some objectors that Congress has neither the power nor the duty to establish this farm-loan system, under which the agricultural interests of the country are to be given quick and cheap access to the great monetary resources of the country. I shall leave to the Senator from New Hampshire [Mr. HOLLIS], who has the bill in charge, the defense of the bill upon legal lines. I think he has already indicated that there is sufficient authority to hold that the bill is drawn in such a way as to come within the constitutional powers of Congress.

I shall discuss for a few moments, however, the duty of Congress to provide for the farmers this means of access to the loanable funds of the country. Mr. President, I might assert that duty upon the ground that the farming industry is the greatest industry in the United States; that in it are employed the largest number of American citizens. That would probably be sufficient to establish the duty of Congress to look after their welfare. But the farmer of the country is in a stronger position than that. He has a stronger claim upon the consideration of Congress. The farm produces the greatest necessary of life—one might almost say the only absolute necessary of life—food for the people. We are approaching a time when the production of food must be one of the great cares of government, if that time has not already arrived. We have witnessed in this country a gradual increase in the cost of living, a cost of living which affects peculiarly the laboring men and clerks in our cities and in our great industrial centers engaged in manufacturing, in mining, and in mercantile pursuits. We know that the number of arable acres in the United States is limited. We can increase them slightly from time to time by irrigation, but, practically speaking, all the arable land of the United States for all time is already known, and most of it is in cultivation.

How are we going to provide the food for our increasing millions in the future from year to year and from decade to decade? We can only do it by doing as Germany did. Beginning 45 years ago Germany has raised the productiveness of each acre by every means known to scientific agriculture. In that period Germany has increased the average German farm acre more than 80 per cent. To bring this about it was necessary to supply farmers with cheap and abundant capital to build improvements, buy machinery, and fertilize the land. In this way intensive farming has enormously increased the national wealth and enabled the empire to bear the burden of this war.

We also can greatly increase the productiveness of our acres if we give the farmers the proper help.

So I say, Mr. President, that the people in our cities and in our industrial centers are interested in this system, which will give to the farmers of the United States, North and South and East and West, capital with which to develop and improve their farms, capital with which to make them productive to a much larger degree than they have ever been in the past. Congress therefore, when it provides this system for the farmer, is also providing for the people in our industrial centers a safeguard against an undue increase in the cost of living and an insurance of sufficient food products.

Mr. President, I have referred to this bill as a simple bill, and it appeals to me because it is so simple and so strong. It practically unites into one great mutual organization all the farmers of the United States and gives to each farm mortgage the united strength of the whole system. It not only affords cheap capital to be borrowed by the farmer, but it affords a good investment for the small lender of money in the richer portions of the United States. The man or the woman in New

England who now finds difficulty in finding safe investment for a small amount of savings can under this bill buy land-bank bonds. The timid investor of the East will be given an opportunity under this system of buying bonds of the Government-controlled land bank, which will yield not less than 4 per cent and which may yield a larger amount. It is this 4-per-cent money of the great eastern centers of saving and capital which it is proposed through the land bank and through the farmers' associations to lend to the farmers at 5 per cent, thus permitting only 1 per cent commission or middleman's cost where heretofore in the past the average farmer has paid 2½ per cent and sometimes 3 per cent as a commission for securing a loan.

Mr. President, I referred to the simplicity of the system. Ten farmers in a neighborhood desiring immediately or in the future to borrow money upon their farms associate themselves together in a little association called the farmers' association. Each farmer may apply to that association for a mortgage. Each farmer is an inspector of his neighbor's mortgage. To some extent each farmer is a guarantor of his neighbor's loan. This association, then, in the name of these farmers makes application to the land bank of the district for a loan to each. Suppose each farmer desires to borrow \$2,000, each farmer pays in 5 per cent in cash to the farmers' association, namely, \$100. The association then, with \$1,000 in cash, turns it over to the land bank and receives in return certificates of ownership of the stock of the land bank for that amount. It is an investment in the capital stock of the land bank. Thereupon each farmer becomes entitled to receive at the lowest possible rate of interest a loan of \$2,000 upon his farm, providing that amount does not exceed one-half of its value. The land bank has secured \$1,000. This becomes a part of its working capital. Each \$1,000 added to its capital increases its power to issue bonds \$20,000, which in this case is the amount that goes to the 10 farmers in long-time loans. The security for each issue of bonds is, first, the capital of the bank; second, the land mortgaged; third, the obligation of the farmers' association; and fourth, notes of the farmers. Every new mortgage increases the cash capital 5 per cent. The bonds will be a safe and attractive investment, and the land banks can issue and sell them as fast as they make farm loans, and put the mortgages in their vaults. The farmers who invest in the capital of the land bank to the extent of 5 per cent of the amount of their mortgage receive a stock certificate which should pay a fair dividend. So they are all bound together in one great mutual system—all borrowing twenty times what they invest in stock.

So, Mr. President, the farm bank, with a minimum capital of \$500,000 of cash actually paid in, paid in largely by the Government of the United States to begin with, paid in later also by these farm associations for the farmers, starts its business. It brings the funds from the money centers to the farms where it is loaned. When it has exhausted its capital and exhausted the funds which it has received from the farmers' associations it has the power to issue bonds to cover mortgage loans, dollar for dollar, as they are made. Thus the mortgages pile up within its vaults as new bonds are issued and sold and the cash capital grows 5 per cent of each loan as it is made.

The bank is under constant Government inspection. Its operations are safeguarded not only by its own land examiners, who go out and visit the farms as loans are made, but it is also under the inspection of the officers of the United States. It affords cheap loans to the farmers and to the bond buyers in the centers of capital a safe investment. Thus we will have a constant flow of cheap money into the land bank and a constant flow of money from the land bank out to the farmers' associations as they are formed, and through the farmers' associations to the farmers themselves.

I say, Mr. President, it seems to be a system so simple and so strong that it is remarkable that it has not been undertaken in this country before this time.

Mr. President, in my opinion, one of the best features of this system is the provision permitting long loans. This provision permits a farmer to borrow money and repay it at his convenience. He is only required to pay 1 per cent of the principal each year, although he may pay more. The mortgage may not be paid off under this amortization plan for 36 years. What will be the consequence of this provision? It will be that farms will be bought and sold with the mortgages upon them; that people with limited capital will be able to buy these farms with the long-time mortgages already upon them. People will be able to go out from cities with a comparatively small amount of ready capital and buy farms, being compelled to pay only the amount represented by the equity and take their time in paying the mortgage.

Nor is that all, Mr. President. I believe that a farm under such a long-time mortgage, with the amortization feature, call-

ing for only the interest every year and 1 per cent of the principal, will be a safe investment for a second mortgage, and that men will be found with local capital who will lend moderate amounts on second mortgages. They will feel sure that they can always protect themselves if necessary by taking the farm and keeping up the first-mortgage payments required for interest and for the amortization of the loan. In other words, the second mortgagee will not fear to loan on second mortgage; he will not fear that the first mortgage will fall due and be foreclosed in a year or two if default in principal should unhappily come, but he will feel safe in lending under a second mortgage, because so little principal on the first mortgage falls due each year.

I believe this system will enable the farmers of the country not only to get cheap money, the cheapest money that the market affords, in the manner provided by the bill, but it will enable the farmer also to secure additional or second-mortgage loans if it is necessary to develop his farm to a higher degree of perfection. I believe, Mr. President, that the result of the bill now before the Senate will be to develop agriculture in the United States, and particularly in the West, and I hope also in the South, as it has never been developed before.

Mr. THOMPSON. Mr. President, in connection with the remarks of the junior Senator from Texas [Mr. SHEPPARD], as well as those by the senior Senator from Nebraska [Mr. HITCHCOCK], who has just spoken, it may be of interest to know that in western Kansas we already have a plan by which any able-bodied man with a family can become the owner of a farm from the production of the farm alone.

This plan was inaugurated by one of our western Kansas public-spirited men, Mr. John Plummer, who lives at Johnson, Stanton County, Kans., and who himself owns a large amount of land and is the inventor of a particular kind of a plow which has revolutionized farming in western Kansas, in what was formerly known as a semiarid country—dry land with an elevation of about 3,000 feet. By the use of this plow Mr. Plummer has never had a crop failure in that western country with limited rainfall.

He and those with whom he is associated agree to take any able-bodied man willing to work on a farm of 160 acres, place moderate improvements on it, and to break it up by the use of this plow in order to demonstrate its ability to produce crops, and to secure permanent settlers who will own their farms. They agree with the farmer in the outset to purchase all the crop that he can raise upon his place at the market price, and also agree to sell him the land at the market value from his farm's production, aiding him in setting aside a sufficient sum each year to pay out by the use of reasonable economy in about five years.

By this method a great many families have obtained homes in western Kansas, and it is being gradually extended and developed until that whole country will no doubt be settled up by farmers who own their homes. All that it takes is an able-bodied man, willing to work, with a family and a few hundred dollars to provide for his groceries and clothing until he can produce his living upon the land.

Now, if this can be successfully accomplished in a private way by one charitably inclined with a little means, how much easier might it be accomplished by the Government with unlimited means.

Mr. NORRIS. Mr. President, agriculture is the most important activity of mankind. It always has been, and from the very nature of things always must be. Not only the happiness and prosperity but the very existence of the human race depends, not indirectly but directly, upon the products of the soil. When the farmer's returns are bountiful all the people, regardless of creed or avocation, share in the prosperity and happiness which it brings. When the sun fails to shine and the rains cease to fall, the farmer fails and with him goes all enterprise and activity. Happiness ceases; starvation, misery, and destruction take possession of all things. Civilization must end and human existence must cease when the soil fails to produce. This is not only true of mankind; it is true of government. All governmental activity must cease when the soil fails to bring forth its return. No government can live without agriculture. When there is no product from the soil, gold becomes less valuable than dust and government bonds as worthless as mere "scraps of paper." One of the principal objects of government should be to encourage as much as possible the scientific development and the practical protection of agriculture. All the people are interested in the success of the farmer, not because they think more of the farmer than of any other citizen but because their own happiness and their own prosperity goes up or down according to the success or the failure of the farmer. In legislating for the benefit of agriculture we should always bear this distinction in

mind. A sound public, governmental policy, one in which all the people regardless of their avocation are directly interested, is the proper legislation to give the utmost possible encouragement to agriculture. One of the alarming features disclosed by the last Federal census is that the population in our rural communities has been decreasing, while the population in our already overcrowded cities has been increasing.

The last Federal census discloses the remarkable fact that in the great State of Illinois, justly noted for its rich soil and fine agricultural development, there were 50 agricultural counties between the years 1890 and 1910 where the population had actually decreased, while the cities in the same State for the same period show an increase of more than 16 per cent. In addition to this, not only in Illinois but in the entire country, figures show that the proportion of tenant farmers is continually on the increase. In 1880, 25 per cent of the farmers of the country were tenants; in 1890, 30 per cent; in 1900, 35 per cent; and in 1910, 37 per cent of the farmers of the country were tenants. These remarkable conditions ought to excite the consideration and interest of all worthy citizens whether in the country or in the city. We are all equally interested and are all equally affected, regardless of our vocation or location. Unless this tendency is checked it is easy to see that all classes of our citizens will be injured. We ought to legislate, if we can, not only to stop this tendency but to reverse it. It is no answer to say that legislation in this direction is class legislation, because the evil tendencies that I have pointed out apply as much to the man in the city as to the man on the farm.

For several years the high cost of living has been one of the alarming tendencies of the age. If it continues to increase, it will be necessary for humanity to entirely reconstruct many of the economic instrumentalities of government. This increased cost falls lightly upon the rich but bends the back of labor in every activity of human existence. That it falls the most heavily upon the poor is apparent to anyone who gives it but a moment's study. The expense of maintaining existence for one man is about as great as for another, regardless of his station in life. The man who has an abundance or whose income is very large can look with impunity upon the continually increasing cost of living, but the man whose income is moderate and who requires about all of the product of his labor to sustain himself and those dependent upon him can not long endure if the expense of existence continues to increase. The very poor will suffer first, and those in moderate circumstances will come next. It can easily be seen that a readjustment of every economic condition must result unless this tendency is stopped. When we find that the population of the farms in our best agricultural communities is decreasing and that, therefore, the producing capacity of mankind is lessening, while the population of the cities is increasing and that, therefore, the consuming portion of the population is becoming greater, we are confronted with a condition that all sober-minded, well-meaning men ought to honestly try to remedy. Not only does this condition have a direct bearing upon the cost of living, but it likewise has a direct effect upon the social and physical conditions of human society. The overcrowding that is continually going on and continually growing worse in some of our large cities means that we are burdening future generations with human beings who will be defective mentally, physically, and morally. It is in the slums of the overcrowded cities where crime and social disorder are bred. It is there that the army of inebriates, the physically and socially defective human beings are recruited. This means increased taxation. This means greater burdens for the balance of humanity. It means less stability for society. It means a weaker Government, a less patriotic citizenship.

To prevent this flow of humanity from the open country to the crowded city we must make farm life more happy, more desirable, more profitable. Under existing conditions the farmer pays the highest rate of interest of any class of citizens. His security is the foundation of society, of government, the corner stone of existence, and yet when he places it upon the market as security for money he is compelled to pay the highest rate of any class of our citizens. The security that ought to command money at the lowest rate in fact pays the highest. The worst condition that could possibly exist would be to have all our farming done by tenants, a condition where the owners of the land lived in the cities and where the actual work of the farm was done by those who had no title to the soil which they tilled.

The model condition, the one that would bring the maximum amount of prosperity and happiness to all the people, would be to have all the land cultivated by men who actually own it and reside with their families upon it. Anything that we can do to bring about an approach to this condition must result in increased happiness to the people, in strengthening the moral

foundation of society, and increasing the stability of government itself. Patriotism grows where light and sunshine penetrate the home. Crime, disorder, and ignorance thrive best in the dark alleys and slums inhabited by tenants and poorly developed offspring. We ought to make it easy for men who are now tenants in the country to buy the farms which they till and to make it possible for thousands of willing men who are struggling almost against hope in the cities to take their wives into the open country and rear their children in the healthy atmosphere of a real country home owned by themselves. There is nothing that gives more happiness to the parent, more stability to the citizen, and more patriotic pride to the individual than to see his offspring growing into strong and vigorous manhood and womanhood around a hearthstone the title of which is in himself. If we could lower the rate of interest on farm loans, we would make it possible for thousands of tenant farmers and yet thousands of residents in the city to become the owners of country homes. Why should not the instrumentality of government be turned in this direction? What higher and nobler thing can government do for the perpetuation of government and for the happiness of all people than to make it possible for those who desire to live on farms and till the soil to borrow money at such a rate that it will be possible for them to carry out this idea?

Various plans to bring this about have been proposed within the last few years. Some of them, in my judgment, have much merit, and most of them, I think, have been proposed by honest men with the honest intention of improving present conditions. I can most heartily give my support to any plan that would bring about an improvement. But it will be found upon examination, in practically all of the schemes proposed, that the machinery is top-heavy. There are too many middlemen to receive commissions; too much machinery to be oiled; too much overhead expense. All of these must be paid by the man on the farm who borrows the money.

These criticisms, at least to a very great extent, are applicable to the pending bill. I fear that the bill is top-heavy. I doubt its practicability, yet I know how earnestly the committee having it in charge has striven to bring in a practical, workable proposition. Particularly is this true as to the Senator from New Hampshire [Mr. HOLLIS] whose name the bill bears. I criticize it, therefore, not as an enemy but as a friend. If it is passed and becomes a law no man will more earnestly hope for its successful operation than I. In addition to its being top-heavy, I doubt very much whether the bonds provided for will float at a rate that will enable the farmer to get very much benefit out of it. To my mind its expensive machinery could be obviated and plenty of money obtained at a low rate of interest if it were entirely and completely a governmental instrumentality. I believe that we are justified, for the reasons that I have already given, and for additional reasons that I shall give later, in utilizing the credit of the Government as an instrumentality to make it possible to obtain money at the very lowest rate of interest. With this in view, I have introduced a bill (S. 3201) providing for the establishment of a bureau of farm loans, which I intend to offer as a substitute for the pending measure.

In proposing a plan of my own to remedy the situation I do so without any criticism, other than that I have already outlined, upon the various other plans that have been proposed by others who have given the subject much thought and consideration. To get a low rate of interest, of which the farmer can have the benefit, we must lessen the machinery as much as possible and surround the security with stability that in the markets of the world will command the lowest possible rate of interest. In the proposed substitute which I shall offer I have provided for the establishment in the Agricultural Department of a bureau of farm loans, which shall, in fact, be a clearing house between the men, women, and children who have money and savings to loan and the man who wants to become a farmer and build up a home for himself and family in the country. It is the function of this bureau to make loans on farm lands located in any of the States of the Union. These loans are to be secured by mortgages, made payable to the bureau, and draw interest at the rate of 4 per cent per annum, payable semiannually. I have provided that loans can be made for \$100 or any multiple of \$100 up to and including \$2,000. At the end of five years one-tenth of the principal becomes due, and thereafter one-tenth becomes due each year until the entire loan is matured. This would make the loan run for 15 years, but the right is given to the mortgagor to pay the entire loan or to make a payment of \$100 or any multiple thereof on the principal at the maturity of any semiannual interest payment. It is provided that application for loans can be made, upon blanks furnished by the bureau, to any postmaster, and the postmaster is authorized to

receive such application and to administer oaths to applicants or other persons to any affidavits made necessary by the rules and regulations of the bureau. It is made the duty of the postmaster, when requested by the bureau, to appoint the appraisers that are provided for in the proposed law. It is provided that no person shall be entitled to a loan under the act who is not of good moral character and who does not establish to the satisfaction of the bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security; but where the applicant is endeavoring to secure the money for the purpose of building a house upon the land, or for the purpose of making part payment upon the purchase price of the land, the bureau can waive this stipulation; but it is expressly stated in the proposed law that it is the intention of the act to provide money only for persons who intend to reside on and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security, and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land.

It is also provided that the bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. It is made the duty of the postmaster or any other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request upon any subject pertaining to any loan and upon the character or standing of any applicant or witness.

It might be advisable to increase the amount that could be loaned in excess of \$2,000, although we ought never to go beyond the theory which we ought constantly to bear in mind, that one of the principal objects of the plan is to help tenants to become proprietors, and to help residents in the city to become farmers. We want to increase the farming population. We want to stop the trend toward the city. We ought not use the instrumentality of the Government for the purpose of permitting men to speculate or for the purpose of permitting men of wealth to control large areas of the farming community. We must not go to the extent of providing money through the instrumentality of the Government for men to deal in farms so large that they themselves would necessarily require the assistance of tenant farmers to care for their interests. As long as we carry out these objects we will not be guilty of the charge of class legislation. We will, in other words, be legislating for all and not for a part.

Let us see now how the Government could look after these loans. We have an army of postmasters, revenue collectors, deputy revenue collectors, United States marshals, deputy United States marshals, post-office inspectors, inspectors of the Land Department, and various other officials whose duties carry them to all parts of the country. These officials, like a network, cover the entire United States. There is scarcely a farm in the United States of which the postmaster in the vicinity has not a personal knowledge. The chances are that the postmaster would not only know the individual applying for the loan, but he would likewise be acquainted with the land that was offered for security. The marshals and post-office inspectors in the performance of their duties are continually passing up and down the country, and very often they could without any additional expense, and almost always with but slight additional expense, make a personal inspection of the land offered as security. Not only would they be able to do this when the land is offered for security, but these officials would know in a general way whether the mortgagor was in good faith carrying out the terms of his mortgage. Any dereliction in this respect could be reported at once. It is made the duty of these officials under the proposed law to make confidential reports to said bureau upon request therefor upon anything pertaining to any loan or the character and standing of the mortgagor or any witness. Moreover, if this plan were adopted, there would be no community in the United States but where there would be a great many farms mortgaged to this bureau, and every citizen would have an interest in the success of the plan. He would feel a proprietary interest and this bureau would be in a better position to get direct, positive, and reliable information as to the conditions at all times than any other loaning institution that ever existed or that has ever been proposed in any of the various schemes for rural development. In addition to this, the bill which I have offered makes it the duty of attorneys

in the Department of Justice in all parts of the United States to pass upon abstracts and to foreclose mortgages whenever it becomes necessary. We already have the legal machinery in active operation in every section of the country, and by increasing it somewhat it would be able to look after all of the legal business and litigation that would become necessary. The proposed bill gives to the bureau the right to declare any loan due if the mortgagor has failed or neglected to pay the interest on the mortgage or the taxes on the land, or if he has failed to apply the money in accordance with the statements made in the application, or if he has made any false statements as to any material matter in his application, or if he neglects to properly care for the improvements on the land, or if the land without the consent of the bureau should cease to be farmed and cultivated.

The mortgagor is allowed to pay the interest and the principal to the postmaster and the money is remitted by the postmaster to one of the Federal reserve banks and the business of the bureau is transacted with these banks already in existence and already performing certain governmental functions. With the exception of the officials of the bureau, there would be no necessity for additional employees, except the employment of the necessary clerks and inspectors to do the business of the bureau.

The question now arises: How will this bureau secure the money with which to make these loans? I have provided in the substitute bill which I propose that the bureau shall issue bonds in denominations of \$100 or any multiple thereof, which shall bear interest at the rate of $3\frac{1}{2}$ per cent. When the bureau desires to secure money for the purpose of making loans, it gives notice of its intention to issue bonds and invites from the public generally subscription to said bonds. These bonds, together with the interest thereon, and also the notes and mortgages taken by said bureau, are entirely free from all taxation of every kind, national, State, and municipal. They are, both as to principal and interest, the obligation of the Government, the same as other Government bonds. No bonds can be issued except for the purpose of loaning money as before outlined, so that when bonds are issued bearing $3\frac{1}{2}$ per cent interest, mortgages are taken bearing 4 per cent interest. In my judgment, this difference of one-half of 1 per cent would much more than pay all the expenses connected with the bureau, as well as the losses, if any, that were sustained. The bonds are payable in 15 years. Perhaps it would be advisable to provide that the bureau should have the option of paying them off at the time any interest payment became due after five years. This bureau would therefore be issuing bonds on the one hand and with the proceeds making loans on the other. It would be a clearing house where the middleman's profit and where the overhead machinery of loan companies would be almost entirely eliminated. It is possible that after the bureau had been in operation a few years it would be found that these bonds could be sold at par at a less rate than $3\frac{1}{2}$ per cent. If experience demonstrated this, then the rate to the farmer is lowered accordingly. The bureau might be described as a great bank dealing in time deposits and loaning on real estate. It would take in deposits on 15 years' time and loan on land for the same length of time. The amount of its business would, of course, be enormous. It would be continually making loans, daily collecting principal and interest, issuing bonds, paying interest on bonds. It would be an outlet for the savings of millions of school children. It might be well to provide for the investment of postal savings funds in them. Trust funds of all kinds would be invested in these bonds. And while the Government, in order to make the bonds float, would be behind them, no man would say that there would ever be any possibility of any loss occurring to the Government as long as the bureau was honestly and fairly conducted. If the Government runs no risk of loss, why should it not lend its credit to that portion of our citizenship whose prosperity means the happiness of all?

Let us now consider for a few moments some of the objections that are urged against such a plan. First, it is said that this bureau would get into politics and become a political organization, loaning money to its political favorites without proper consideration and security. I am frank to admit that if this bureau became partisan and became a political instrumentality that the entire plan would be a failure. Partisanship would be its ruination, as it is the ruination of almost everything that it embraces within the circle of its power. We are continually from day to day in the Federal Government, in State governments, and in municipal governments trying to get away from partisan politics. Its baneful influences is one of the serious objections to our form of government. But it is possible to keep this bureau entirely out of politics. I have provided that the director of the bureau shall be appointed for a term of 10 years by the President and

that his appointment must be confirmed by the Senate. It is provided that he can only be removed by the Secretary of Agriculture for cause, and then only upon charges made, and that he must be publicly tried, and that his removal must be approved by the President of the United States. All of the transactions of his office must be public. I make it a criminal offense for any Senator or Member of the House of Representatives or other Government official or member of any political committee to use any influence or attempt to persuade or to use any political influence to induce the bureau to make or refuse to make any loan. The very fact that every act of this bureau would have to be public would be the best protection against the baneful influence of party politics. Every honest citizen would be interested in the carrying out of the work of the bureau in good faith. If the tenure of office of the officials of this bureau were independent of partisan control, and Members of Congress were absolutely prohibited by law from making any recommendations or using any influence to control the action of the bureau, and if every act of the bureau were open to public inspection and public view, I do not believe that party politics would ever succeed in getting its withering influence into the domain of the bureau's action.

Another objection always offered is that this kind of a law would be in the nature of special privilege or class legislation. I have already to a great extent answered this objection at the beginning of my remarks. It is not class legislation and is not open to the charge that we would be enacting laws for the benefit of one class of our citizens only. The direct benefit would come to all classes of citizens. It would take away from the army of consumers and would add to the army of producers. It would increase the efficiency of the producing class. In this we are all directly interested and would all receive benefits. It would improve the quality of our citizenship. It would increase the stability of our Government. It would lessen the army of paupers; decrease the inclination toward crime that poverty and ignorance always breed. It would decrease taxation, because thousands of children growing up in idleness would be transplanted to the healthy atmosphere of enlightened, educated agricultural communities. The fact that the loan is made directly to the farmer does not make it class legislation.

In our Federal reserve act the Government under certain conditions issues money and loans it directly to the bankers, and yet many of the people who are objecting to governmental assistance in the farm-loan business are ardent supporters of the theory that it is proper for the Government to loan its credit to the banks. I mention this instance of Government credit to the banks provided for in the Federal Reserve System without criticism. While the Federal reserve act, in my judgment, has many imperfections and ought to have been amended in some very important respects, yet I believe, as a whole, the law is a good one and that its result will be beneficial. The theory of it is that in times of panic or distress the Government will loan its credit to the banks in order that they may float loans in business matters; and while the banker, of course, gets a benefit, the entire country or the affected community is benefited through this instrumentality of Government in lending its credit to the banker. The principal object of the Federal reserve bank is to prevent panics, and one of the means by which this is sought to be accomplished is that in times of stringency the Government shall loan its credit to the bankers, not because the Government has any more regard for the banker than for other citizens but because the business of the country is transacted through the banks, and if, with the assistance of the Government, the banks can stem the tide, business generally is protected and prosperity retained. So in the farm-loan plan I have proposed the Government lends its great credit to the bonds, so that the farmer can get cheap money, and through his prosperity all of the people may have their happiness increased as well as the cost of living decreased. The instrumentality of Government is exactly the same. It could be said, of course, that if all the people who had loans from the Government refused to pay and if all the people who had the bonds demanded payment the scheme would fail. So it could be said of the Federal Reserve System; if after the Government notes had been turned over to the banks and they in turn had loaned them out to the people everybody refused to pay and all became bankrupt, the Government would fail with the rest. The difference is in favor of governmental support of a farm-loan plan, because the farmer's security is much better than that which the banker offers. Business men fail, stocks of goods burn, railroads become bankrupt, but the land remains intact, and security founded upon it is the best, the surest, and the safest known to man. Moreover, many of those people who are objecting to the Government lending its aid in any farm-loan plan are often found advocating, for instance, a ship subsidy—a direct payment

by the Government to a certain kind of business. Many of them were strong advocates of the exemption of American ships from toll when passing through the Panama Canal. I do not criticize these advocates. While I do not agree with them, I concede their honesty; but yet no man who has given the subject any consideration will deny that exemption from tolls when passing through the Panama Canal, for instance, is another form of subsidy, not as honest, in my judgment, as the direct payment. But the man who advocates subsidy, either by a direct payment or by the exemption from taxation of any kind, goes on the theory that if the Government through taxation pays the subsidy the benefits derived by all the people will more than recompense the outlay. This is, perhaps, in a great many instances true; but if these things can be even advocated from an honest standpoint, and I think they can, how much more logical it would be to sustain the proposition of Government assistance in the plan I have outlined, where there is no intention of the Government ever paying one penny toward the great enterprise; where no man who will give it careful and honest study can, in my judgment, reach any other conclusion than that there never could be a condition arise by which the Government could possibly lose anything.

Another illustration not only where Government credit but the direct use of Government funds is employed for the benefit of all the people through the instrumentality of a class of citizens is the organization under the Federal statute of the Bureau of War Risk Insurance. This bureau was created by an act of Congress September 2, 1914, to write insurance on American ships and cargoes against the risk of war. Private corporations, taking advantage of the European war, increased the cost of this kind of insurance to such a rate as to materially interfere with shipments of American products. Congress took notice of the condition by the passage of the act which brought this bureau into existence, and provided for the Government going into the insurance business. It was not because Congress desired to give direct financial assistance to those who furnished the produce to be shipped or to those who were engaged in the carrying of the merchandise to foreign shores, although such people incidentally did get a direct benefit from the act. The object of the act, the real reason for its passage, was that through the instrumentality of these particular classes all of the people could receive the benefits of the governmental activity. It is worthy of note, also, to consider the results of this governmental insurance. In the first annual report made by the director of this bureau, for the year ending September 2, 1915, he used the following language:

The operation of the Bureau of War Risk Insurance in the Treasury Department during its first year just closed demonstrates, despite persistent claims to the contrary, that the Government can conduct a private business enterprise economically, efficiently, and profitably.

This report not only shows that great benefits were derived by the country generally in the reduction that governmental interference brought about in insurance rates but that the Government had made a considerable profit out of the operations of the bureau. A recent examination of the records of this bureau discloses that since its organization on September 2, 1914, up to April 19, 1916, this bureau has issued 1,420 policies of insurance, involving risks to the amount of \$114,883,056 and that the bureau received as premiums for these risks the sum of \$2,557,085.14. It had risks on April 19, 1916, outstanding to the amount of \$12,857,661 and that its net losses to that date, all paid, were \$696,220.05. The total expenses up to April 19, 1916, were \$27,744.51. This leaves a net profit to the Government from the business, above all losses and expenses, to the 19th day of April, 1916, of \$1,833,120.58.

Another instance where Government funds under laws passed by Congress have been used for the benefit of the people generally through the instrumentality of the farmer is the operation of the Reclamation Bureau. It is conceded, I think, by all who have given any consideration to the subject that great benefits have resulted from the operations of this bureau, and that still greater benefits will result in the future. No man now questions the wisdom of using Government funds through this instrumentality, and no man doubts but that through such use great benefits have come and great benefits will continue to come to the people generally.

The Government many years ago gave millions of acres of public land to corporations in return for the building of railroads across the western plains. In addition to giving the land to railway companies it also loaned its credit for the raising of many millions of dollars for the construction of such railroads. Subsequent events have perhaps demonstrated that the Government was too generous in its gifts for these purposes, but there can be no doubt but that the object of Congress was to benefit the entire country, and to do this it gave direct subsidies and loaned the credit of the Government to private corporations as

an instrumentality to bring about the general benefit, and there is no doubt but what the entire country did receive great benefits from this governmental instrumentality.

Government funds have been used in the purchase and development of the Panama Railway Co. In a similar way Government funds are now being used in the construction of a railroad in Alaska. Many people will receive individual benefits and perhaps some of them make vast fortunes on account of the construction of this railroad, but yet the object of Congress in authorizing the use of Government funds for its construction was to bring about beneficial results to all of the people.

Congress has many times recognized that Government assistance to agriculture is not only proper but necessary for the proper development of our country, and for the improvement of agricultural conditions generally. We are appropriating thousands of dollars annually to send men all over the world for the purpose of getting rare seeds and plants for the improvement of agricultural conditions and for the investigation of improved methods of cultivation and development. The object of it all is to improve the happiness and contentment of all classes of people, although the instrumentality through which this is brought about is the farmer. We recognize by our laws—in fact, every civilized Government in the world recognizes by its laws—that agriculture is the foundation not only of all prosperity and happiness, but of life itself, and that when we improve it in any way we bring beneficial results to every home, whether in the country or in the city, to every class of people, regardless of their business or occupation.

Still another very apt illustration of the use of Government credit for the benefit and improvement of conditions generally, through the instrumentality of a class of citizens, is the establishment of the Government Postal Savings System. In this case the Government borrows money of its citizens and pays interest on the same. It agrees to return this money on demand, and it borrows it without any specific governmental use for it. It limits the amount that it will borrow of any one citizen in order to confine the transactions to a class of citizens. One of the objects of the law is to induce the people of small means to avoid extravagance by economizing their savings, and to bring this about the Government pays interest to such people, not because the Government wants the money but because it desires to foster among the people habits of frugality and economy. Another object of this law is to improve business conditions and increase the circulating medium, by bringing into circulation amounts of money that are otherwise hidden and locked up from business transactions. After the Government has borrowed this money from the people it loans a large portion of it to the banks in the various communities where it obtained the money. It charges these banks a higher rate of interest than it pays to those from whom it borrowed the money, and in this way it has made a profit out of the business.

The postal savings systems have been established by practically every civilized government in the world. Reduced to a short definition, our system can be defined as the borrowing of money by the Government from its citizens and the loaning of the same money to another class of citizens. Through this governmental activity we assist financially those from whom we have borrowed the money. We give to a class direct Government assistance by the payment of interest and pledge to them the credit of the Government for money borrowed. We also give direct assistance to the banks when we loan them the money at a less rate than the banks would have to pay in borrowing money from the citizens generally. In other words, in this use of the instrumentality of Government these two classes of people get a direct and positive benefit not shared in by the people generally. The object of the system, however, is to benefit the entire country, improve the business of the entire country, and to increase the amount of money in circulation in the entire country, and these two classes are the instrumentalities through which this object is attained. It is much more a direct benefit to the postal savings depositors who loan the money and the banks that borrow it than the plan I have proposed for the establishment of the bureau of farm loans is beneficial to the farmers who borrow the money.

It is said also that if the Government provides for the loaning of money through a bureau as I have outlined for the farmer, why should it not provide for the loaning of money to other classes of citizens as well? This objection loses sight of the fact that the object of the entire plan is to benefit all the people and not any class; that the farmer is only an instrumentality by which this benefit can be extended to the people, the same as in the Federal reserve act the banker is the instrumentality through which the Government by the use of its credit prevents panics and financial disaster. Under the Federal reserve act the ordinary citizen can not get the United States notes behind

which the credit of the Government is lodged. If he applies to the Federal Reserve Board he will find that he must go into the banking business before he can get this favor, if you call it such. Not only must he go into the banking business, but he must go into a certain kind of banking business. And so with the farm-loan plan; if the business man or even the millionaire desires to avail himself of the benefits of the law outlined he must buy the farm, comply with the conditions, and go out among the toilers and engage in agriculture—not by proxy, but in his own proper person. It must be borne in mind, however, in the plan outlined, that not only is the benefit to accrue to all the people, but the Government is amply secured against loss. The Government would not be justified in loaning money to the farmers, even though all the people would benefit by it, if the farmer did not give ample security to prevent any loss coming to the Government. The principle upon which such assistance rests involves not only benefit to the people generally, but security to the Government against loss as well.

Objection is also made to the use of Government credit for the benefit of the farmer, on the ground that it is claimed such a plan would impair the Government credit. As a matter of fact, the plan which I have outlined, if the bureau provided for were honestly managed, would bring in a large profit to the Government. The one-half per cent difference between the rate charged to the farmer and the rate paid by the Government on the bond for the money, would much more than pay all the expenses of operation and would build up in a very short time, an enormous surplus. There would be no doubt if this law were put into operation, that after it had been in force several years and a large surplus had been built up that Congress would perhaps change the law and provide for a smaller margin between the rate on the bond for money borrowed and the rate on the mortgage for money loaned. This surplus would be an element of strength rather than a weakness, and could very properly be used in case of any great emergency. If the money obtained by the Government upon the sale of bonds were invested in some enterprise, in some business, or in some product from which there would be no income, then the objection now under consideration would be valid. If the Government invested these funds in battleships, in armament, and in the raising of large armies, where the investment could not under any possible condition bring a financial return to the Government, then the credit of the Government would be impaired in proportion to the amount of the bonds issued, but if these funds were invested in real estate mortgages, carefully supervised and honestly managed on a conservative basis, then the Government would have security upon absolutely the best property in the world, in fact the only property that is, after all, the foundation of all prosperity, of all happiness, and of all wealth. This security would be as stable as the Government itself. In fact, the stability of the Government as well as its very existence depends upon the production of the soil, and a Government will fail just as soon as the land fails to produce. The plan proposed in its operations can be compared to a bank. The most successful bank, the one that stands highest in financial circles, is the bank that has not only the largest deposits but that has invested these deposits in the safest line of investments. If two banks equally honestly managed, having equal capital and having equal deposits, but one having its deposits invested in good securities and the other with its deposits in its vault should desire to borrow money, there is no doubt but that on such a showing, the money lender would prefer to loan his money to the bank that had its deposits properly invested, although it would be known, as a matter of fact, that if all the depositors of this bank on the same day demanded their money, they would not be able to get it, and the bank would have to fail, while the other bank, with its deposits all in its vault, would be able to pay its depositors on demand dollar for dollar. So it would be with the bureau of farm loans, taking the people's money and issuing certificates of deposit therefor, due in 15 years, and investing this money in the fundamental security of the country, where the interest payments would be continually coming in. Its resources would be absolutely the best known to man. If honestly managed it could not fail. Even though the Government itself should be destroyed the security of this bureau would remain intact. The one thing only that could destroy it would be some act of God that would bring about the annihilation not only of the Government but of the productivity of the soil.

The plan which I have briefly outlined would in my judgment be workable and would add immensely to the prosperity of all our people. There would be no dangers to the Government involved. It would not mean the increasing of money or the expansion of the currency. To the extent of its operation it would interfere with men engaged in the loaning of money upon

real estate. It might have some influence upon the savings banks of the country, and in this way there might be instances where there would be personal loss, but if we can devise a plan by which the farmer who wants the money and the individual who has it to loan can be brought into direct contact, and thus the consumer and the producer brought directly together, we ought to do it, even though in the doing of it we take away the profitable occupation of a few who standing between have taken their toll as the money has passed from one to the other.

I ask unanimous consent to have printed as a part of my remarks the Senate bill 3201, to which I referred and which was introduced by me.

The PRESIDING OFFICER (Mr. THOMAS in the chair). If there be no objection, permission is granted.

The bill referred to is as follows:

A bill (S. 3201) providing for the establishment of a bureau of farm loans in the Department of Agriculture.

Be it enacted, etc., That there is hereby established in the Department of Agriculture a bureau to be called the bureau of farm loans. There shall be appointed a director of said bureau, who shall receive a salary of \$6,000 per annum, and an assistant director, who shall receive a salary of \$4,500 per annum. The assistant director shall perform the duties of the director of said bureau in case of the death, resignation, removal from office, or absence of the director, and he shall also perform such other duties as may be assigned to him by the Secretary of Agriculture, by the director, or by law. There shall also be in said bureau a chief clerk and such other agents, clerks, inspectors, and employees as are provided for in this act or as may hereafter be authorized by law, or as may be authorized by the Secretary of Agriculture. The director and assistant director shall hold their respective offices for a term of 10 years and shall be removed from office during such term only for cause. The Secretary of Agriculture can remove either of said officers for a violation of law or neglect of duty, but only after a public trial upon charges duly made, of which the accused official shall have reasonable notice, and then only upon the approval in writing of the President of the United States. The director and assistant director shall be appointed by the President, by and with the advice and consent of the Senate, and in case there is a vacancy in either of said offices the appointment to fill the same shall be made for the full term.

Sec. 2. That under the rules and regulations made by the director of said bureau and approved by the Secretary of Agriculture, and in accordance with the provisions hereinafter provided, the said bureau shall make loans on farm lands located in any of the States of the Union or in the District of Columbia. Said loans shall be secured by mortgage made payable to said bureau, and shall bear interest at the rate of 4 per cent per annum, payable semiannually. No loan shall be made upon any tract of land less than 10 acres in area. Loans shall be made only for \$100 or any multiple of \$100 up to and including \$2,000. The mortgage securing any such loan shall provide that at the end of five years one-tenth of said loan shall become due, and that thereafter one-tenth of said loan shall become due each year until the entire loan matures. Said mortgage shall also provide that whenever any interest is due, the mortgagor or his grantee shall have the right to pay the entire loan or to make a payment of \$100 or any multiple thereof on the principal thereof, and upon such payment being made the interest on the amount so paid shall thereupon cease. Said mortgage shall also provide that both principal and interest shall draw interest at the rate of 6 per cent per annum from maturity.

Sec. 3. That no person shall be entitled to a loan of money from said bureau until he has made application therefor under oath upon blanks to be furnished by said bureau. Such application can be sworn to before any person authorized to administer an oath, and all postmasters and their deputies in the United States are hereby authorized to administer oaths to applicants making application for loans under this act and to administer oaths to such applicants or other persons to any other affidavits made necessary by the rules and regulations of said bureau. Whenever any oath is administered by a postmaster or deputy postmaster no charge shall be made therefor. No person shall be entitled to a loan under this act who is not of good moral character and who does not establish to the satisfaction of said bureau that he is honest and bears a good reputation in the neighborhood where he resides. No loan shall be made to any person who is not an actual resident on and engaged in the cultivation of the land offered as security. *Provided,* That where the applicant for the loan is endeavoring to secure the money for the purpose of building a house upon the land or for the purpose of making part payment upon the purchase price thereof, the bureau can waive this stipulation if convinced that it is the intention of applicant as soon as possible to reside upon the land and to cultivate the same, the intention of this act being to provide money only for persons who intend to reside upon and cultivate the land which they offer as security. No loan shall be made for more than one-half of the value of the land offered as security and only for one or more of the following purposes:

First. To make payment of part of the purchase money of the land to be mortgaged.

Second. To pay off an indebtedness already existing against said land.

Third. To build a house, barn, or other building or buildings upon said land: *Provided,* That said bureau, under proper rule and regulation, can provide that not to exceed 50 per cent of any loan may be used for the purchase of stock and farm implements. Any applicant or other person testifying falsely to any material fact in any application or other affidavit connected with any loan under this act shall, upon conviction thereof, be deemed guilty of perjury and punished accordingly.

Sec. 4. That it shall be the duty of every postmaster, deputy postmaster, or other employee or official of the Government, without fee or pay therefor, to make confidential reports to said bureau upon request therefor, upon anything pertaining to any loan and upon the character or standing of any applicant or witness. Such postmaster, deputy postmaster, or other officer shall also, when requested by said bureau, appoint appraisers to appraise the land offered for security under the regulations of and upon the blanks furnished by said bureau.

Sec. 5. That any person applying for a loan shall furnish to said bureau an abstract of title to the land offered as security and shall pay all the necessary expenses connected with the making of said loan. Such applicant shall furnish conveyance for the appraisers appointed to fix a value upon land offered for the loan, or shall pay for the transportation of said appraisers to and from said land, and if required by said appraisers, he shall pay a fee to each of them, not exceeding two in

all, which fee shall be ascertained in advance and fixed by the official appointing said appraisers. It shall be the duty of said bureau and the officials appointing said appraisers to select efficient, qualified, and unbiased persons, but, at the same time, to regulate any fee that they may charge for such service so as to make the same as small as possible. Said appraisers shall make return upon blanks provided by the bureau and shall swear to the same before some person qualified under this act to administer an oath.

Sec. 6. That it shall be the duty of every United States district attorney or deputy district attorney, upon request from said bureau, to examine the abstract of title to any land offered as security under this act and to make return thereof to the said bureau. It shall likewise be the duty of any district attorney or deputy district attorney, when requested by the bureau, to foreclose any mortgage taken as security for a loan under this act and to prosecute the same to final judgment. All such services so rendered by an attorney connected with the Department of Justice shall be a part of his official duty and shall be rendered without pay, but said bureau shall pay in all cases the actual expenses of any such attorney in connection with such litigation.

Sec. 7. That it shall be the duty of any post-office inspector, United States marshal, deputy United States marshal, or other employee or inspector of any other department, when engaged in official business in the vicinity of any land mortgaged to said bureau, upon request of said bureau, to make a personal inspection of the same and to report thereon to said bureau. Such inspection shall be made without charge, but said bureau shall pay the actual expenses, if any, made necessary thereby. It shall likewise be the duty of any postmaster, deputy postmaster, or other governmental official residing or doing business in the vicinity of any land that has been mortgaged to said bureau, upon request of said bureau, to make a report upon said loan or as to whether the money borrowed upon said land has been expended or is being expended in accordance with the purposes for which the same was loaned, and in making any loan under this act the said bureau can withhold, under such rules and regulations as it may prescribe, any part of the same for the purpose of insuring the application of said loan to the purposes for which the same was made.

Sec. 8. That should the owner of any land mortgaged to said bureau fail or neglect to pay the interest thereon at or before the time when the same is due, or permit the taxes on the land to become delinquent, or neglect or refuse, without the consent of said bureau, to apply the money borrowed in accordance with the statements made in the application for the loan, or if he has made any false statement as to any material matter in said application, or if he neglects to properly care for the improvements on said land, or if he do any other act that materially injures the value of the security, either by overt act or by neglect and inattention, or should said land, without the consent of the bureau, cease to be farmed and cultivated, then the said bureau shall have the right, at its election and without notice, to declare the entire amount secured by said mortgage due and payable, and may take any steps necessary for the foreclosure of said mortgage and the collection of said loan, and from and after said election so made by the bureau the amount secured by said mortgage shall bear interest at the rate of 6 per cent per annum.

Sec. 9. That in making any payment of interest or payment of the principal, or part payment of the same, upon any loan made under this act, the person making such payment can pay the same to any postmaster designated by said bureau, and the same shall be transmitted by said postmaster either directly to the bureau or to such Federal reserve bank as may be designated by the bureau, and such postmaster shall immediately notify the bureau of such payment and the transmission of the money so paid, and thereupon credit shall be given for the payment of such money as of the date the same was paid to the postmaster. The said bureau shall notify each person to whom a loan has been made as to the post office where payments upon his loan can be made. The bureau may make such designation by general circular or by specific notice in writing, and can designate by such notice a post office within a county or other district to which all payments within such district can be made.

Sec. 10. That the bureau shall deposit all money it receives in the Federal reserve banks provided for in the act of December 23, 1913, and in making disbursements of money it shall do so by check upon such banks. Any Federal reserve bank organized under the said Federal reserve act is hereby authorized and instructed to receive such deposits and to pay checks or drafts drawn by said bureau upon said

41748-15672
deposits, the same as other accounts authorized to be held by said banks under said act.

Sec. 11. That the bureau shall have power to sue and to be sued, to complain and defend in any court of law or equity having jurisdiction of the subject matter in litigation. To protect any loan it may pay the taxes or any other prior lien due and unpaid against the land securing said loan, and in such case the amount paid in liquidation of such taxes or lien shall be added to and become a part of its mortgage on said real estate and from the date of such payment shall bear interest at the rate of 6 per cent per annum. It shall have the right and authority to purchase, at sale under judgments or decrees of court rendered in foreclosure proceedings of any mortgage it owns, the land so mortgaged, but in such case it shall not bid a greater amount for such land at such sale than the amount due in such proceedings, together with costs and expenses expended in relation to said loan. In case the bureau obtains title as set forth in this section to any real estate, it shall have authority to sell the same at such price as may be for the best interests of said bureau in the judgment of the director and to convey title to the purchaser thereof by deed signed and acknowledged by the director. In making such sale it shall be authorized to take a return mortgage from the purchaser for part of the purchase price thereof in accordance with the provisions of this act.

Sec. 12. That in order to secure money for the purpose of making loans as hereinbefore provided the said bureau shall issue bonds which shall be the obligation both as to principal and interest of the United States. Said bonds shall be issued in denominations of \$100 or any multiple thereof and shall bear interest at the rate of 3½ per cent per annum, payable semiannually. Said bonds, together with the interest thereon, and also all notes and mortgages taken by said bureau upon farm lands, shall be entirely free from all taxation of every kind, national, State, and municipal. When in need of money for the purpose of making loans as provided in this act, the bureau shall give notice of its intention to issue bonds and invite from the public generally subscriptions to said bonds. If the amount of subscriptions shall exceed the then demand of the bureau, it shall give preference in accepting money for said bonds to those offered in the smallest amounts, the intention being to give as wide circulation and distribution to said bonds throughout the country as is possible. Said bonds shall be issued for the term of 15 years, with the privilege on the part of said bureau of

paying the same upon the date of maturity of any interest payment after 10 years. After this act shall have been in active operation for one year said bureau shall have authority to change the rate of interest charged for farm loans thereafter made and to also change the rate of interest upon the bonds herein provided for thereafter issued, it being the object of this act to pay as low a rate of interest upon said bonds as will float said bonds at par and to charge as low a rate of interest upon the farm loans herein provided for as will bring in sufficient revenue to pay said bonds, the interest thereon, the expenses connected with the making of said loans, and any losses, if any, incurred therein.

Sec. 13. That it shall be unlawful for any Senator, Member of the House of Representatives, or any other official of the Government of the United States to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$2,000.

Sec. 14. That it shall be unlawful for any official of any State or any officer or member of any political committee to use or attempt to use any political or other influence to induce said bureau to make or refuse to make any loan or loans. Any person found guilty of the conduct in this section prohibited shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Sec. 15. That it shall be the duty of the officials of said bureau to give publicity to any letter or communication from any of the persons named in the above two sections, requesting or urging said bureau to make or to refuse to make and loan and to give to the Department of Justice the names of any of said mentioned persons attempting to influence the action of said bureau in allowing or refusing any application for a loan, together with the evidence connected with said attempt, whether the same be in writing or otherwise.

Sec. 16. That any person who shall make any false representation to said bureau in connection with the making or the investigation of any application for a loan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000 or be imprisoned for a term not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. HOLLIS. Mr. President, I feel that the Senate and the country owe a debt of gratitude to the Senator from Texas [Mr. SHEPPARD] and to both Senators from Nebraska for their addresses this morning. They all deal with very vital and important questions that affect the people who live in the United States.

The subject of tenancy of farms is one that has attracted the attention of all economists. It is a very serious evil and it must sometimes be handled in some such way as the Senator from Texas suggests. Both the Senator from Texas and the Senator from Nebraska [Mr. NORRIS] are pioneers in the study of questions of this sort, and what they have to say is entitled to the greatest consideration of the Senate. I feel personally that the country is not yet ready for either of the measures that they suggest. It is for that reason that I have not directed my efforts along those lines. I feel personally that the pending bill is as far as the country will warrant us in proceeding at this time. Unless some one else is prepared to speak I ask that the reading of the bill by committee amendments be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, on page 37, line 10, after the words "section 12," to strike out "or section 18," and in the same line, after the word "act," to insert "and those taken as additional security for existing loans," so as to make the clause read:

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section 12 of this act and those taken as additional security for existing loans.

The amendment was agreed to.

The next amendment was, on page 37, line 21, after the word "shall," to insert "also," so as to make the clause read:

Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act. This provision shall also apply to joint-stock land banks.

The amendment was agreed to.

The next amendment was, under the subhead "National farm-loan associations: Special provisions," in section 15, page 38, line 11, after the word "expenses," to strike out "shall" and insert "may," so as to make the clause read:

Such member may, at his option, pay the expenses for appraisal, examining title, drawing legal papers, recording and similar services, or he may require such expenses to be advanced by the Federal land bank making the loan, in which case said expenses may be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

The next amendment was, under the subhead "Unlimited department," in section 16, page 39, line 9, after the word "department," to strike out "or to the savings department," so as to make the clause read:

Sec. 16. That the Federal farm-loan board is authorized and directed to create in each Federal land bank a special department for the issue of farm-loan bonds unlimited, to be known as the unlimited department, and also to set apart from time to time for the purposes of said unlimited department such portion of the capital stock of said bank, not exceeding one-half, as its needs may require. Whenever an unlimited department is created in any land bank there shall also be established a limited department, which shall carry on all business of said bank which is not assigned to the unlimited department.

The amendment was agreed to.

The next amendment was, under the subhead "Agents of Federal land banks," in section 17, on page 40, line 22, after the word "incorporated," to strike out "trust company, mortgage company, or savings institution, chartered by the" and insert "bank, trust company, or mortgage institution chartered by the Federal Government, or by the," so as to make the clause read:

No other agent than a duly incorporated bank, trust company, or mortgage institution, chartered by the Federal Government, or by the State in which it has its principal office, shall be employed under the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "agents," to strike out "the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers, and in addition may allow said agents," and in line 8, after the word "unpaid," to strike out "capital" and insert "principal," so as to make the clause read:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

Mr. SMOOT. The paragraph as proposed to be amended would read as follows:

Federal land banks may pay to such agents not to exceed one-half of 1 per cent per annum upon the unpaid principal of said loan.

I hardly see why the original language of the bill was not in better form than as it is proposed to amend it. I should like to ask the Senator from New Hampshire if it is to be amended on lines 3, 4, 5, 6, and 7, why the word "capital" would not be better than the word "principal," in line 8.

Mr. HOLLIS. Capital, in connection with money, is usually employed as opposed to dividends meaning the same as capital stock. The principal of a loan is a definite description of what we mean to reach here, and therefore we thought it to be the more apt word.

Mr. SMOOT. Do I understand that it was the object of the provision, as amended, to pay to these agents one-half of 1 per cent per annum upon any loans that they may secure?

Mr. HOLLIS. On any loans that they secure for the land bank, of course. I can explain that to the Senator. The total allowance for all expenses and profits on loans under this system is limited to 1 per cent on the principal. Originally the bill was drawn so that half of that went to the land bank and half to the loan association. Later the bill was drafted so that the land bank handled it all and the loan association got just what was left after the expenses were paid in the form of dividends. When a loan is made through the agency of a bank, the 1 per cent belongs entirely to the land bank, and it may allow not to exceed one-half of it to the agent doing the business and indorsing the loan so that it becomes responsible.

Mr. SMOOT. I understand that; but under the reading of the provision as it now stands it seems to me that the Federal land bank would be allowed one-half of 1 per cent upon the principal of the note as long as the note was not paid in full; in other words, if they made a loan of \$1,000 for 25 years they would be entitled to one-half of 1 per cent for that full length of time upon that amount if the note had not been reduced, or if in the meantime it had been reduced each year, still they would be allowed one-half of 1 per cent upon whatever amount of the principal of the note was unpaid. Is that the intention of the framers of the bill?

Mr. HOLLIS. The Senator is correct. If the loan was for \$2,000 and the amortization payment was so arranged that \$100 would be paid on the principal each year, there would be one-half of 1 per cent on \$2,000 for the first year, and one-half of 1 per cent on \$1,900 for the second year, and so on. It is to cover the expenses of collecting and the risk the bank assumes in indorsing the loan. There are to be payments every year; the bank is to collect them and forward them to the Federal land banks; and for the entire service of indorsing and becoming liable on the loan and collecting and forwarding it they receive not to exceed one-half of 1 per cent a year. If it proves to be lucrative the farm-loan board can direct that it shall be lowered. It is not to exceed one-half of 1 per cent.

Mr. SMOOT. I thought it was rather a high rate to pay the Federal land bank one-half of 1 per cent of all the rate of interest over and above the 4 per cent or 5 per cent, between 4 and 5 per cent, the Federal land bank getting the business and the bank itself receiving the other half doing virtually all the business and furnishing the money and everything else. I thought it was an unfair distribution of the 1 per cent.

Mr. HOLLIS. My own belief is that one-half of 1 per cent to the land bank will result in dividends to the borrowers; I hope so, and I so expect from my investigation; and that the one-half paid the agent will be fully adequate. The farm-loan board may order it to be reduced. If the one-half of 1 per cent

which goes to the land bank is too much, it will be returned to the borrower in the form of dividends. So no harm will be done.

Mr. SMOOT. I think it ought to be reduced. Of course, the words "not to exceed" give the power to reduce it, and perhaps there is no particular objection to it, but I would very much rather see the bill read "not to exceed one-third of 1 per cent per annum upon the unpaid principal of the loan."

Mr. HOLLIS. I should like to see the bill so drafted that all the rates would be very much lower, but I agree with the Senator that you always want to provide for enough revenue to run the Government, and this provides a way for the money to go back to those who contribute it in an equitable proportion. I hope we have our percentage high enough so that this will surely pay the bill; and that is why I favor making it as high as it is.

Mr. SMOOT. I will say to the Senator that of course one advantage is that as he perhaps knows it is none too high until the bank gets into full swing and operation; but I do believe that it is too high after the banks are established and the loans are made. If the bank is a success, then, in my opinion, one-half of 1 per cent per annum is too high.

Mr. HOLLIS. I agree with the Senator.

The amendment was agreed to.

The next amendment was, on page 41, line 10, after the word "paid," to strike out "to agents under the provisions of this section" and insert "by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services"; in line 14, after the word "payments," to strike out "as provided in section 15 of this act"; and in line 14, after the word "act," to insert: "Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12," so as to make the clause read:

Actual expenses paid by borrowers for appraisal, examining title, drawing legal papers, recording, and similar services may be added to the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the 50 per cent limited in section 12.

The amendment was agreed to.

Mr. POMERENE. Mr. President, while a little out of order, I call the Senator's attention to the language on page 40, line 12. The language is, "because of some peculiar local conditions." I suggest that the words "some peculiar" be stricken out, and just let it read "because of local conditions."

Mr. HOLLIS. There was a reason for putting in the words "some peculiar" there. It will be easily understood that if a borrower can go to a bank and get all the benefits of this act they will not want to form farm-loan associations. This language is employed to arrest the attention of the farm-loan board and have them understand that it really meant something. Therefore I like those words because they challenged the attention of the Senator from Ohio, and they will challenge the attention of the farm-loan board. They can not do any harm, and they may prove restrictive. I hope so.

Mr. POMERENE. I dare say if the learned Senator in charge of the bill were sitting as a court he would have some difficulty in giving those words a judicial construction.

Mr. SMOOT. I think there ought to be some peculiar condition existing, and if the word "peculiar" were left out it seems to me it would be wide open as to any condition arising that this provision of the bill would apply to. I think it is as moderate a word as could be found, and that it would at least give notice. I think that is all there is in it; it is simply a notice.

Mr. POMERENE. I shall not insist on an amendment, but certainly it is rather peculiar.

Mr. BRADY. Before leaving page 41 I should like to ask the Senator in charge of the bill a little more fully relative to the discussion which took place between himself and the Senator from Utah [Mr. Smoot] concerning lines 3 to 9, on page 41, and from line 21, on page 41, to line 4, on page 42. It seems to me that it would indicate that the agent negotiating the loan would have to become responsible for the loan.

Mr. HOLLIS. Yes.

Mr. BRADY. And that the only compensation the bank or trust company or mortgage institution would receive for making the loan and guaranteeing it would be the one-half of 1 per cent.

Mr. HOLLIS. Yes; that is true.

Mr. BRADY. Instead of that being too large a rate it seems to me it is rather small, and that that feature of the bill should receive very careful consideration at the hands of the Senate, for it does not seem possible that a responsible banking institution would negotiate a loan of \$10,000 and look after it for 36 years for any less than one-half of 1 per cent.

Mr. HOLLIS. The Senator will see it is one-half of 1 per cent of the amount due each year.

Mr. BRADY. I understand that.

Mr. HOLLIS. The Senator will understand, of course, that this does not require the bank which indorses to embark any of its capital. This is in the nature of an acceptance. It merely requires its indorsement. This is a proposition to loan on farm land not to exceed 50 per cent of its value. We want to enlist the interest of the bank so that it will be sure not to allow a loan to be made for more than 50 per cent of the value and so that the loan will surely be paid. We secure that interest of the bank by securing its indorsement, and we limit the payment to one-half of 1 per cent on the amount of the principal due each year. If agents can not be found who will do it for that sum, we shall not be able to do business on that basis, because we can not allow more than 1 per cent any way for expense and profit, and half of that ought to go to the Federal land bank. So if they are not able to do it for that percentage this section will not be operative, but we have not any more to pay them even if we think they ought to have more.

Mr. BRADY. Then, in case the agent made the loan, the agent making the loan would take one-half of 1 per cent, and the other one-half of 1 per cent would go to the Federal land bank?

Mr. HOLLIS. Yes, sir; that is right.

Mr. BRADY. Thus making the full 1 per cent which is to be allowed, which the bank and agent would be permitted to make on the loan.

Mr. HOLLIS. Yes; that is correct.

Mr. BRADY. It seems to me that that is a very equitable provision.

Mr. HOLLIS. The committee felt that it was such.

The next amendment of the Committee on Banking and Currency was, on page 42, after line 9, to strike out:

SAVINGS DEPARTMENT.

SEC. 18. That the Federal farm-loan board is authorized and empowered to permit any Federal land bank to establish a savings department for receiving time deposits on which interest may be paid. The books, funds, earnings, and reserves of said savings department shall be kept separate. The capital of said land bank shall not be available for any debts or obligations of said savings department as long as any farm-loan bonds issued by said bank are outstanding and unsatisfied. Said savings department shall contribute to the general expenses of said bank its proportionate share, based upon the amount of farm-loan bonds and time deposits outstanding in the separate departments of said bank.

Every savings or time deposit shall be subject to not less than 30 days' notice before the whole or any part of the same is paid or withdrawn, but no land bank shall be obliged to avail itself of such notice when payment or withdrawal is requested.

Each Federal land bank shall maintain a reserve of at least 5 per cent of all time or savings deposits received by it, said reserve to be in cash or invested so as to be quickly available, under rules and regulations prescribed by the Federal farm-loan board. The remaining 95 per cent of such deposits may be invested as follows:

(a) In first mortgages on farm lands within the district for a term not exceeding five years, subject to be called on 60 days' notice at any time after one year, said mortgages to be subject to the restrictions imposed and conditions provided under sections 12 and 20 of this act, except as to term and amortization.

(b) In United States Government bonds or farm-loan bonds issued under this act.

(c) In such securities as the Federal farm-loan board may prescribe. Preference shall be given to first mortgages above described.

Interest on time or savings deposits shall in no case exceed the current rate on bonds issued by the land bank receiving such deposits, and any agreement for a higher rate of interest shall be invalid.

Time or savings deposits may be received from any person, firm, or corporation, subject to rules and regulations prescribed by the Federal farm-loan board. Each depositor may receive a deposit book, on which all deposits and withdrawals shall be entered, or the deposit may be evidenced by a certificate which shall specify the rate of interest to be paid and the notice of withdrawal required.

Every national farm-loan association shall by its secretary-treasurer receive and pay out time or savings deposits as agents for the Federal land bank of the district, and said secretary-treasurer shall forthwith forward any deposit so received to said land bank. Farm-loan associations receiving and forwarding, or paying out, deposits as aforesaid, shall receive such compensation therefor as the Federal farm-loan board shall fix.

All net earnings of savings departments shall be carried to surplus account and invested according to rules and regulations prescribed by the Federal farm-loan board.

The amendment was agreed to.

The next amendment was, in division (c), subhead "Joint-stock land banks," on page 44, line 21, to change the number of the section from "19" to "18"; on page 45, line 3, after the word "bank," to strike out "shall" and insert "may"; and in line 4, before the word "than," to strike out "not less" and insert "more," so as to make the clause read:

SEC. 18. That corporations, to be known as joint-stock land banks, for carrying on the business of lending on farm-mortgage security and issuing farm-loan bonds, may be formed by any number of natural persons not less than 10. They shall be organized subject to the requirements and under the conditions set forth in section 4 of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint-stock land bank may consist of more than five members.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "deposits," to strike out "accept" and insert "receive"; in

the same line, after the word "deposits," to strike out "of current funds payable upon demand"; and in line 25, after the word "act," to strike out:

Provided, however, That this restriction shall not apply to prevent the acceptance of time deposits, as provided in section 18 of this act for Federal land banks.

So as to make the clause read:

No joint-stock land bank shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the word "section," to strike out "twenty-one" and insert "twenty"; in line 19, after the word "provisions," to insert "of the paragraphs designated first, sixth, eighth, ninth, and twelfth"; in line 22, after the word "made," to strike out "which are not" and insert "in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be"; and on page 47, line 1, after the words "principal office," to insert "or within some State contiguous to such State," so as to make the clause read:

Joint-stock land banks shall not be subject to the provisions of section 13 or section 20 of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of the paragraphs designated first, sixth, eighth, ninth, and twelfth of section 12 as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made in excess of 50 per cent of the appraised value of the mortgaged lands, and all loans shall be secured by first mortgages on farm land within the State in which such joint-stock land bank has its principal office or within some State contiguous to such State.

The amendment was agreed to.

The next amendment was, on page 47, line 12, after the word "section," to strike out "19" and insert "18," so as to make the clause read:

Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal farm-loan board, and it shall be stated in such bonds that such bank is organized under section 18 of this act, is under Federal supervision, and operates under the provisions of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, page 47, the last clause read being as follows:

Farm-loan bonds issued by joint-stock land banks shall be called joint-stock bonds.

Mr. BRADY. Mr. President, I desire to ask the Senator in charge of the bill if he does not think that the bonds referred to in the text of the bill as "joint-stock bonds" should be called "joint-stock land bonds"? The banks which issue such bonds have been called all the way through the bill "joint-stock land banks."

Mr. HOLLIS. The reason for placing this definition here was merely to describe these bonds for the purposes of this act and to distinguish them from farm-loan bonds, limited or unlimited, issued by the Federal land bank. I have no idea what they will be called in practice, but this is an apt name by which to refer to them in other sections of the act. I merely wanted a short name for such bonds, so that it would not take too many words. I would just as lief call them "class C bonds," or anything else the Senator desires; but the object of designating the bonds as we have done in the bill is what I have stated.

Mr. BRADY. The Senator feels, then, that it would be perfectly easy to distinguish these bonds by calling them "joint-stock bonds" instead of "joint-stock land bonds"?

Mr. HOLLIS. It seems to me so.

Mr. BRADY. If the Senator from New Hampshire feels that that description will answer the purpose, I have no objection.

Mr. HOLLIS. I think it will.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under subhead "Appraisal," on page 47, line 18, to change the number of the section from "20" to "19."

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the words "with the," to strike out "affidavit provided for in section 7 of this act" and insert "application for the loan," so as to make the clause read:

The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the word "application," to strike out "affidavit," so as to make the clause read:

Before any mortgage loan is made by any Federal land bank or joint-stock land bank it shall refer the application and written report of the

loan committee to one or more of the land-bank appraisers appointed under the authority of section 3 of this act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

The amendment was agreed to.

The next amendment was, on page 48, line 23, after the word "section," to strike out "twenty-three" and insert "twenty-two," so as to make the clause read:

Whenever any Federal land bank or joint stock land bank shall desire to issue farm-loan bonds under the provisions of section 22 of this act the Federal farm-loan board shall refer the application of such land bank to one or more of the special appraisers appointed under the authority of section 3 of this act. Such special appraiser or appraisers shall make such examination and appraisal of the mortgages offered as collateral security for such bonds as the Federal farm-loan board shall direct, and shall make a written report to said board. No issue of farm-loan bonds shall be authorized unless the Federal farm-loan board shall approve such issue in writing.

The amendment was agreed to.

The next amendment was, on page 49, line 22, after the word "directors," to strike out "of any farm-loan association," so as to make the clause read:

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors shall appoint a substitute to act in his place in passing upon such loan.

The amendment was agreed to.

The next amendment was, under the subhead, "Powers of Federal farm-loan board," on page 50, line 2, to change the number of the section from "21" to "20."

The amendment was agreed to.

The next amendment was, on page 50, line 22, after the word "penal," to strike out "sum" and insert "sums," so as to make the clause read:

(f) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sums of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

(g) To require Federal land banks to pay forthwith to any Federal land bank their equitable proportion of any sums advanced by said land bank to pay the coupons of any other land bank, basing said required payments on the amount of farm-loan bonds issued by each land bank and actually outstanding at the time of such requirement.

The amendment was agreed to.

The next amendment was, on page 51, line 7, to change the letter in parentheses from "g" to "h."

The amendment was agreed to.

The next amendment was, under the subhead "Applications for farm-loan bonds," on page 51, line 11, to change the number of the section from "22" to "21."

The amendment was agreed to.

The next amendment was, under the subhead "Issue of farm-loan bonds," on page 52, line 18, to change the number of the section from "23" to "22"; and in line 21, after the word "twenty," to strike out "two," and insert "one"; so as to make the clause read:

SEC. 22. That whenever any farm-loan registrar shall receive from the Federal farm-loan board notice that it has approved any issue of farm-loan bonds under the provisions of section 21, he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and the delivery of the same to the land bank applying therefor.

The amendment was agreed to.

The next amendment was, under the subhead "Form of farm-loan bonds," on page 54, line 18, to change the number of the section from "24" to "23," and in line 20, after the words "denominations of," to insert "\$25, \$50"; so as to make the clause read:

SEC. 23. That all bonds provided for in this act shall be issued under the authority and by the direction of the Federal farm-loan board. They shall be issued in denominations of \$25, \$50, \$100, \$500, and \$1,000. They shall run for specified minimum and maximum periods, subject to be paid and retired at the option of the land bank at any time after 10 years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than \$50,000, whose amount and term shall be fixed by the Federal farm-loan board. They shall bear a rate of interest not to exceed 5 per cent per annum.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "concerning," to insert "the form of farm-loan bonds, and," so as to make the clause read:

The Federal farm-loan board shall prescribe rules and regulations concerning the form of farm-loan bonds, and the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

The amendment was agreed to.

The Secretary continued the reading down to the word "banks," in line 19, page 55, as follows:

Farm-loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of \$100, \$500, and \$1,000 as may be required to supply such land banks.

Mr. HOLLIS. Mr. President, on page 55, line 18, I move to insert "\$25, \$50," so as to correspond with the provision on the preceding page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 55, line 18, after the word "of" it is proposed to insert "\$25, \$50."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, before proceeding to the next subdivision, I should like to ask the Senate to recur to page 35 on which, with the preceding page, the powers of the Federal land banks are defined. Under the fifth subdivision it will be perceived that the Federal land bank is given authority:

To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it.

Of course, the land bank ought to be given power to acquire such real estate as is essential for the conduct of its business. It also should be given the power, as provided in subdivision (c), to acquire lands in satisfaction of debts or sold under judgments, decrees, or mortgages held by it; but why invest it with unlimited power to buy "parcels of land mortgaged to it as security"? And why should a land bank be permitted to speculate in the lands which it holds as security?

Furthermore, it will be observed that, while it is there given power to acquire such lands, by subdivision (c) it is given the same power to acquire lands which shall be taken in satisfaction of debts or sold under judgments, decrees, or mortgages held by it, but such lands it can hold for no longer than five years, when it must get rid of them. The land, however, acquired under subdivision (b) being parcels of land held by it as security, it may purchase and apparently hold for an indefinite period. I should like to have a little enlightenment from the Senator from New Hampshire upon the significance of subdivision (b).

Mr. HOLLIS. Subdivision (b) was amended this morning to read:

Parcels of land mortgaged to it as security where default has occurred.

That was the intention. In some States the actual title to the land is passed by the mortgagor to the mortgagee, and the mortgagee may take possession on default without court proceedings. This was made to cover cases of that kind. It should, however, only cover such cases where default has occurred.

Mr. WALSH. Then, I ask the Senator if that is not covered by the next subdivision, which reads:

Parcels of land acquired in satisfaction of debt or purchased at sales.

That is to say, under the terms of subdivision (c) the land bank may take a piece of property in satisfaction of a debt to it. I still question the advisability of giving the land bank the power to buy any piece of property that is mortgaged to it as security because there has been default in the mortgage, inasmuch as that would easily permit a man who wanted to sell his land to the bank to suffer a default and then the power would exist in the bank to buy that land of the man upon just such terms as they might agree upon.

Mr. HOLLIS. Mr. President, of course, if there were default and the land were acquired in satisfaction of debts or purchased at sales under judgments or decrees, then the provisions of subdivision (c) would apply, and the lands could only be held for five years. That is the intention; but subdivision (b) was put in at the suggestion of a member of the committee, who called attention to the fact that in some States the title actually passed to the mortgagee when the mortgage was made; that it was a title that would pass, subject to defeasance on the condition being filled; and that subdivision (c) would not cover such cases in his State. Therefore he said this provision ought to be put in; and it would seem where it is provided that parcels of land acquired in satisfaction of debts may be held only for five years and where subdivision (b) says that parcels of land mortgaged to the land bank as security can only be acquired where default has occurred, that it would be cov-

ered; but I know the Senator from Montana is an able lawyer, and if he thinks otherwise and can suggest any other way to arrange it to cover all cases I shall be very glad to accept an amendment. It was not on my suggestion that the provision was inserted.

Mr. WALSH. I think that it is a very questionable power to put in the hands of the Federal land bank to acquire without restriction and to hold without restriction, and for an unlimited time, any land pledged to it as security for indebtedness.

Mr. HOLLIS. That is not the intention of the act, of course, and if the Senator will allow the paragraph to be passed over I will take that up and draw it so that there will not be any question about it.

Mr. WALSH. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Special provisions of farm-loan bonds," on page 57, after line 11, to strike out:

SEC. 25. That the form of farm-loan bonds issued under this act shall be prepared by the Federal farm-loan board. The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy of this section of this act, and a statement that the assets of all the Federal land banks and of one farm-loan association are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands, and whether the first mortgages held as collateral security for its payment have been received from an association with a limited or an unlimited liability, and such other information as may be prescribed by the Federal farm-loan board.

Each bond shall also contain a certificate in the face thereof, signed by the farm-loan commissioner, to the effect that this bond has the approval in form and issue of the Federal farm-loan board and is legal and regular in all respects. It shall be signed by the president of the bank issuing the same and attested by its secretary.

The amendment was agreed to.

The next amendment was, on page 58, line 6, after the word "Sec.," to strike out "25" and insert "24"; in the same line, before the word "land," to strike out "Each" and insert "That each Federal"; in line 7, before the word "bound," to strike out "held to be"; in the same line, after the words "of its," to strike out "president" and insert "officers"; and in line 8, after the word "signing," to insert "and issuing," so as to make the clause read:

SEC. 24. That each Federal land bank shall be bound in all respects by the acts of its officers in signing and issuing farm-loan bonds and by the acts of the Federal farm loan board in authorizing their issue.

The amendment was agreed to.

The next amendment was, on page 58, after line 10, to strike out:

Said bonds shall state that they are authorized by the Federal farm loan board under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 58, after line 12, to strike out:

There shall appear in the face of each farm-loan bond provided for in this act the statement that such bond is not taxable by national, State, or municipal authority.

The amendment was agreed to.

The next amendment was, on page 59, after line 9, to insert:

Every farm-loan bond issued by a Federal land bank shall be signed by its president and attested by its secretary, and shall contain in the face thereof a certificate signed by the farm loan commissioner to the effect that it is issued under the authority of the Federal farm-loan act, has the approval in form and issue of the Federal farm loan board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of Government bonds or first mortgages on farm lands, indorsed by farm-loan associations having double or unlimited liability of their members, as the case may be, and at least equal in amount to the bonds issued; and that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond.

The amendment was agreed to.

Mr. WALSH. Mr. President, I desire to question the wisdom of the last clause of the amendment found on page 59, "that all Federal land banks, stating the approximate amount of their aggregate capital and surplus, are liable for the payment of each bond," or, rather, that portion of it expressed by the language, "stating the approximate amount of their aggregate capital and surplus." That is changing at all times; is it not?

Mr. HOLLIS. Yes; but that would apply as of the time the bond was issued, and would not be reduced until the bond was paid.

Mr. WALSH. So that it would be substantially stable and the representation would be substantially accurate during the entire life of the bond?

Mr. HOLLIS. Yes; it would not be less than that until the bond was redeemed.

The reading of the bill was resumed.

The next amendment of the Committee on Banking and Currency was, under the subhead "Application of amortization and

interest payments," on page 60, line 3, to change the number of the section from 26 to 25.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to the bottom of page 62.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|------------------|--------------|--------------|
| Beckham | Gronna | Newlands | Smith, S. C. |
| Borah | Hardwick | Norris | Smoot |
| Brady | Hollis | Overman | Sterling |
| Brandege | Hughes | Page | Sutherland |
| Broussard | James | Pittman | Thomas |
| Burleigh | Johnson, Me. | Poindexter | Thompson |
| Chamberlain | Johnson, S. Dak. | Pomerene | Townsend |
| Clapp | Jones | Ransdell | Vardaman |
| Clark, Wyo. | Lane | Shafroth | Walsh |
| Cummins | Lewis | Sheppard | Warren |
| du Pont | Martine, N. J. | Sherman | Williams |
| Fall | Myers | Smith, Ariz. | |
| Gallinger | Nelson | Smith, Ga. | |

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is unavoidably absent. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON], who is paired with the senior Senator from New Mexico [Mr. FALL], and also to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED], on account of illness.

The PRESIDING OFFICER. Fifty Senators having answered to their names, there is a quorum present. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, beginning on line 1, page 63.

The next amendment was, under the subhead "Reserve and dividends on land banks," on page 63, line 19, after the word "Sec.," to strike out "27" and insert "26," and on page 64, line 7, after the word "any," to strike out "of said," so as to make the clause read:

SEC. 26. That every Federal land bank, and every joint-stock land bank, shall, out of its net earnings, semiannually carry to reserve account 25 per cent thereof until said reserve account shall show a credit balance equal to 20 per cent of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired, said balance of 20 per cent shall be fully restored before any dividends are paid. After said reserve has reached the sum of 20 per cent of the outstanding capital stock, 5 per cent of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments or principal on any first mortgage, by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

The amendment was agreed to.

The next amendment was, under the subhead "Reserve and dividends of national farm-loan associations," on page 64, line 22, to change the number of the section from 28 to 27.

The amendment was agreed to.

The next amendment was under the head of "Defaulted loans," on page 66, line 2, after the word "Sec.," to strike out "29" and insert "28," and in line 10, after the word "bonds," to insert "issued by said land bank," so as to make the section read:

SEC. 28. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm loan association or agent through which said mortgage was received by said Federal land bank shall be notified of said default. Said association or agent shall thereupon be required, within 30 days after such notice, to make good said default, either by payment of the amount unpaid thereon in cash, or by the substitution of an equal amount of farm loan bonds issued by said land bank, with all unmatured coupons attached.

The amendment was agreed to.

The next amendment was, under the subhead "Exemption from taxation," on page 66, line 13, after the word "Sec.," to strike out "30" and insert "29"; in line 16, after the word "State," to insert "municipal"; in line 20, after the word "banks," to insert "and farm loan bonds issued"; and in line 25, after the word "State," to insert "municipal," so as to make the clause read:

SEC. 29. That every Federal land bank and every national farm loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint stock land banks, and farm loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

Mr. SUTHERLAND. Mr. President, on yesterday, I think it was, I called the attention of the Senator from New Hampshire [Mr. HOLLIS], in charge of the bill, to this provision contained in section 29 which proposes to exempt from taxation certain of the property belonging to these Federal land banks and national farm-loan associations. The Senator from New Hampshire seemed to be entirely confident that the General Government had the power to exempt from taxation this species of property, and directed my attention to the case of *McCulloch* against State of Maryland, which was a decision with reference to the power of the State of Maryland to impose certain taxes against the United States bank.

I think a careful reading of that case will demonstrate that the question presented there was altogether different from the one which is presented by this bill. I think, in the first place, that even if the Government of the United States has the power to exempt this species of property from taxation at the hands of the State, it ought not to exercise it. It is a species of property which, when held by the private banks of the State, chartered under the laws of the State, is subject to taxation; and I see no reason why property of that same description, held by a bank which happens to be chartered by the Government of the United States, should escape taxation.

What is it that is proposed to be done? The language of the section is:

That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section 11 and section 13 of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, and farm-loan bonds issued under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

In what possible way can it be said that a first mortgage executed to a Federal land bank, for money loaned to a farmer in precisely the same way that money may be loaned to a farmer by a State bank and secured by a mortgage, is an instrumentality of the Government of the United States, and thereby exempt from taxation?

This bill is attempted to be tied to the Constitution by a somewhat slender thread. I am not prepared to say that the bill, taken as a whole, is unconstitutional. It may be conceded, at any rate, for the sake of the argument upon this question, that it is constitutional; but what governmental function does the Government of the United States discharge through these banks?

The bill provides that deposits of Government money may be made in these banks. It provides, in a somewhat general way, that the fiscal operations of the Government may be carried on through these land banks. To that extent these land banks become instrumentalities or agencies of the Federal Government in the same way that a State bank which is authorized to receive deposits of postal savings becomes an instrumentality of the Federal Government. In other words, the bank becomes an instrumentality of the Federal Government to that extent—to the extent to which the Government of the United States deposits its moneys in the bank, and to the extent to which the Government of the United States utilizes these banks in its fiscal operations. But in loaning money to the farmers it is not discharging any governmental function. The Government of the United States is not acting through the bank in doing that. The bank, in doing that, is discharging a purely private function—just as much a private function as is the individual loaner of money when he loans money to a farmer and takes a mortgage to secure it.

In the case of *McCulloch* against Maryland the situation was altogether different. There the Congress had provided for the creation and organization of a United States bank, through which the Government of the United States was to discharge its fiscal operations. Among other things, the bank was authorized to issue bank notes; and what the State of Maryland undertook to do was to provide by law that those bank notes, the issuance of which constituted a governmental function carried on through the bank, should not be issued except upon paper which the law of Maryland provided should bear a stamp, to be paid for by the bank, the value of which should be proportioned to the size of the note; and they undertook to provide further that these bank notes should be issued in certain definite amounts—\$5, \$10, \$20, \$50, \$100, \$500, and \$1,000, as I recall.

The Supreme Court in that case very properly held that the act of the Legislature of Maryland was an attempt to tax a governmental operation performed through the bank; and the power to tax being the power to destroy, the power might be

exercised so as to destroy that governmental operation. But the court nowhere held that the property of the bank could not be taxed; and, indeed, in the concluding part of the case—the case itself being a very long one, covering in the original volume something over 100 pages, with the statement of the case and the arguments of counsel and the opinion itself—in summing up, the court says:

The court has bestowed on this subject its most deliberate consideration. The result is a conviction that the States have no power, by taxation or otherwise, to retard—

Now, observe the language—

No power * * * to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress—

To do what?—

to carry into execution the powers vested in the General Government. This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared. We are unanimously of opinion that the law passed by the Legislature of Maryland imposing a tax on the bank of the United States is unconstitutional and void.

Now, I call particular attention to this concluding paragraph:

This opinion does not deprive the States of any resources which they originally possessed. It does not extend to a tax paid by the real property of the bank, in common with the other real property within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution in common with other property of the same description throughout the State. But this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional.

Mr. President, the question has arisen in a variety of forms since that decision and since the other decision, with reference to the same law, in the case of *Osborn* against United States Bank. In the case of the *Railroad Co. against Peniston*, which is reported in *Eighteenth Wallace*, the question came up with reference to the power of the State to tax certain of the transcontinental railroads which had been incorporated by an act of Congress, and which Congress had declared, among other things, should carry on certain of the operations in which the Government was interested, such as transporting troops, mail, and so forth. The case of *McCulloch* against Maryland and *Osborn* against The Bank were both cited by counsel as authority for the proposition that a law of the State of Nebraska undertaking to impose a tax upon the property of these railroad companies could not be sustained because it was a tax on an instrumentality of the Government of the United States, as it was claimed.

But the court disposed of the question in this way, and I read from the syllabus in *Railroad Co. against Peniston*, *Eighteenth Wallace*:

The exemption of agencies of the Federal Government from taxation by the States is dependent not upon the nature of the agents nor upon the mode of their constitution, nor upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them—

That is, the agents—

deprive them of power to serve the Government as they were intended to serve it—

Now, observe, because it deprives them—

of power to serve the Government as they were intended to serve it, or hinder the efficient exercise of their power. A tax upon their property merely, having no such necessary effect and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the States. A tax upon their operations, being a direct obstruction to the exercise of Federal powers, may not be.

There is nothing occult about a question of this character. It seems to me it may be disposed of by a very simple illustration. Here is an individual who is an officer of the Government of the United States. He is thereby an agency through whom the Government of the United States discharges some of its governmental functions. Now, no State can pass a law which will have the effect to obstruct or interfere with the operations of that officer in so far as they are governmental operations; but if he commits murder he may be prosecuted under the law of the State. If he commits any other offense against the law of the State, he may, of course, be prosecuted. The salary which he receives from the Government of the United States may not be taxed by the State, because that would be to interfere with him in the exercise of his functions, because the power to tax, I repeat, is the power to destroy, and they could conceivably take away his salary entirely or take away so large a part of it as to render it impossible for him to act in the capacity to which he has been appointed. But the State may tax his property. The fact that he happens to be an officer of the General Government does not prevent the State from taxing a mortgage, if he holds it, if it be the policy of the State to tax mortgages; it does not prevent it from taxing his money, if he has money in the bank, from taxing his real estate, from taxing his personal property, from taxing anything that he has which in the hands of the ordi-

nary citizen may be taxed. It is exactly the same as to any other agency which the Government constitutes. The Government for certain purposes has constituted State banks its agents, as I have already stated, with reference to the receipt of postal savings bank funds, yet that does not give the Government of the United States power to provide that such a bank shall be exempt from taxation with reference to its mortgages or with reference to its other property.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. CUMMINS. Is it not true that if any property is exempted from the operation of State law in pursuit of the power of taxation it is constitutionally exempted? Can Congress exempt property from State taxation? Must it not be constitutionally exempt, in other words?

Mr. SUTHERLAND. I answer that with some hesitation, because there are certain intimations in some of the decisions, purely dictum, which may indicate the contrary. However, my own judgment is that Congress has no power to exempt from taxation anything which would not because of its nature be exempted under the provisions of the Constitution.

Mr. CUMMINS. I believe that is the better view; and it is preliminary to another suggestion. The modern and sounder opinion, I think, is that Congress has the power to provide for the incorporation of common carriers doing an interstate business. I think our late Attorney General held that Congress has the power to make an act of incorporation of that sort exclusive and require the carriers who propose to engage in transportation among the States to incorporate under a law of Congress, if one were provided. I think it is also the modern opinion that Congress can pass a law providing for the incorporation of any person or persons engaged in interstate commerce, all this under authority in the Constitution to regulate commerce among the States.

Now, if property is exempt from taxation on the part of the State, under the Constitution, I ask whether or not, if Congress should go on in its—

Mr. SUTHERLAND. In its mad career?

Mr. CUMMINS. I will not say that; but in its regulation of commerce among the States along the lines that have been so earnestly urged, would not the result be that practically all the property of the United States of that character would be exempt from taxation?

Mr. SUTHERLAND. Theoretically, of course, we face that conclusion. I will say to the Senator from Iowa that I am not quite prepared to assent to the proposition that Congress has power to provide that in order to enable a person or persons to engage in interstate commerce they must be chartered under the Federal Government. Indeed, I doubt very much whether Congress has power to that extent, because the right to trade between the States, I think, is a right which belongs to the citizens of the States, and the power of Congress is to regulate the right, and I doubt very much whether it can say that only a particular description of persons shall be permitted to engage in commerce among the States.

Mr. CUMMINS. Lest I may be misunderstood, I desire to say to the Senator from Utah that I share his doubt in that respect; but there is no great question that Congress may make a law which is optional in its character, so that corporations can be formed under it for the purpose either of engaging in general business among the States or of engaging in the business of common carriers. There are a great many people who believe that that is the only effective way of regulating commerce. If, however, the fact of organization under a Federal law would exempt all the property of these corporations from State taxation, it can be readily seen that it would be so inviting that all of them would become Federal corporations instead of State corporations.

Mr. SUTHERLAND. Of course, Mr. President, I do not think for one moment that Congress has any such power to exempt from taxation.

Mr. NELSON. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. Certainly.

Mr. NELSON. There is a practical question in connection with this provision as it would apply to the State of Minnesota. Under the laws of our State a real estate mortgage before it can be recorded must pay a tax to the county treasurer. I think it is at the rate of 50 cents a hundred. A small mortgage under \$100 is exempt. If a mortgage has to pay that tax before it can be recorded, manifestly no loan association or anybody else would take a mortgage that could not be recorded.

It is a universal rule pertaining to the transfer of real estate that such transfers, whether by deed or mortgage, are governed wholly by the laws of the State in which the real estate is situated. How can the Federal Government change the laws of the State of Minnesota in respect to real estate mortgages? If we insist in Minnesota that no mortgage on real estate shall be recorded until that tax is paid, can the Federal Government come in and veto that and prevent it? To my mind this would be an absolute obstacle in the State of Minnesota to the enforcement of this provision of the bill.

Mr. SUTHERLAND. I think the Senator from Minnesota is entirely correct. I do not think the Federal Government can interfere with a law of that kind.

Mr. HOLLIS. Mr. President, when the Senator from Utah has completed his argument I shall offer some suggestions in answer, but lest I forget the suggestion made by the Senator from Minnesota I should like permission to reply to his statement now.

Before the mortgages in any State can be received by the land bank in order to borrow money, the farm-loan board must investigate the laws of that State, and if they are not such as to recording of title and homestead exemptions, and so on, as to afford adequate security to the land bank, then the loans can not be made in the State until the laws are changed. If Minnesota is in the unfortunate predicament of having laws so that it could not come under this system, it will suffer and not the system.

Mr. SUTHERLAND. Mr. President, it seems to me that that would be an unfortunate meddling on the part of the Federal Government—

Mr. CLAPP. Yes; why, instead of the State suffering, should not the system be so amended that this regulation of the State shall be consistent with the system?

Mr. HOLLIS. When I come to answer the Senator from Utah I think I can show that the provision in Minnesota would conform to the act that we have under consideration, but that would be the answer in case they are so inconsistent that the State could not exempt mortgages from taxation.

Mr. WALSH. Before we pass from the subject, I should like to ask the Senator from Utah whether he concurs in the view expressed by the Senator from Minnesota that such a fee as that charged for filing a mortgage falls within the denomination of a tax such as is contemplated in the bill under consideration?

Mr. SUTHERLAND. No; I do not think it comes under the operation of this section, but I understood the Senator to use it as an illustration.

Mr. WALSH. Does the Senator from Utah agree about that?

Mr. SUTHERLAND. That we could do that?

Mr. WALSH. That we could do that. That no charge shall be made for recording them.

Mr. SUTHERLAND. Perhaps not. The two cases are not entirely parallel.

Mr. WALSH. But, Mr. President—

Mr. SUTHERLAND. I do not want to be led aside to discuss that particular question. It is not the immediate proposition involved.

Mr. CLAPP. If the Senator will pardon me, I think the Senator from Montana is doubtless laboring under the impression that it is a record fee. It is in no sense a record fee. It is a tax that has to be paid as a prerequisite to the right to have the mortgage recorded.

Mr. SUTHERLAND. And the tax is proportioned to the amount of the mortgage?

Mr. CLAPP. Certainly.

Mr. SUTHERLAND. Then, of course, it would come within the provisions of this section. It is a tax.

Mr. NELSON. It is not a recording fee; it is a tax. A recording fee has to be paid in addition.

Mr. SUTHERLAND. I did not understand that at first. I do now, and I answer the Senator from Montana that in my judgment it would come within the purview of section 29.

Mr. President, the power to tax is a sovereign power, and in one respect the most important sovereign power which can be exercised by any Government. It is a power upon the exercise of which every other power depends, and it exists to the utmost limit in the Federal Government and also in the State government.

The Federal Government has no power to interfere in any way with the power of the States to tax, and the State has no power to interfere in any way with the power of the General Government to tax; but the power of both governments to tax is subject to an exception, and that is that neither government can tax the instrumentalities of the other. However, the right of one is no more restricted than the right of the other.

The power of the Federal Government to tax the instrumentalities of the State is just as restricted, just as much forbidden as the power of the State to tax the instrumentalities of the Federal Government, only they must be instrumentalities.

Mr. HOLLIS. Mr. President, unless I might forget it when I come to reply, is not the Senator overlooking the well-established principle that while the Federal Government can tax out of existence bank notes issued by State banks the State can not tax the bank notes issued by national banks? There is a plain illustration.

Mr. SUTHERLAND. Mr. President, there does seem to be a distinction of the particular kind to which the Senator calls attention, but the Senator must remember that the decision to which he refers, the decision which held that the Federal Government had the power to tax the issues of State banks, was rendered many years after the decision in the McCulloch case. The decision was by a divided court, as I remember, and never has been regarded as being among the strongest decisions of the Supreme Court of the United States. It is a case that stands by itself. However, the general doctrine that I have laid down is recognized, I think, by all the cases.

Now I call attention to the decision of the Supreme Court in the case of National Bank against Commonwealth, which is reported in Ninth Wallace, page 353. In the course of that decision the court said:

It is certainly true that the Bank of the United States and its capital were held to be exempt from State taxation on the ground here stated—

That is, where they were instrumentalities of the Federal Government, by which its important operations were carried on—

and this principle, laid down in the case of McCulloch v. The State of Maryland, has been repeatedly affirmed by the court. But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. The most important agents of the Federal Government are its officers, but no one will contend that when a man becomes an officer of the Government he ceases to be subject to the laws of the State. The principle we are discussing is its limitation, a limitation growing out of the necessity on which the principle itself is founded. That limitation is, that the agencies of the Federal Government are only exempted from State legislation, so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government.

I call attention particularly to what immediately follows:

Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States—

And so on.

The case of Railroad Co. against Peniston I have already referred to, and now I call attention to a paragraph in the case of Lane County against Oregon, in which it is said:

In respect, however, to property, business, and persons within their respective limits their power of taxation remained and remains entire. It is, indeed, a concurrent power, and in the case of a tax on the same subject by both Governments the claim of the United States, as the supreme authority, must be preferred; but with this qualification it is absolute.

With the qualification that when the Government of the United States and the State government tax the same thing the claim of the United States is paramount to that of the State—with that qualification the decisions says the power of taxation in the State is absolute.

The extent to which it shall be exercised, the subjects upon which it shall be exercised, and the mode in which it shall be exercised, are all equally within the discretion of the legislatures to which the States commit the exercise of the power. That discretion is restrained only by the will of the people expressed in the State constitutions or through elections, and by the condition that it must not be so used—

Now, mark again the language—

by the condition that it must not be so used as to burden or embarrass—

What?—

the operations of the National Government. There is nothing in the Constitution which contemplates or authorizes any direct abridgment of this power by national legislation. To the extent just indicated it is as complete in the States as the like power, within the limits of the Constitution, is complete in Congress.

Mr. STERLING. What case is that?

Mr. SUTHERLAND. That is a quotation from Lane v. Oregon (7 Wal., 57).

Now, I come to a sentence or two in the case of Railroad against Peniston, to which I referred that I desire to read, and I read it because the court in that case very carefully distinguished the case of McCulloch against Maryland and the case of Osborn against The Bank from the other cases which subsequently arose, and pointed out with great clearness the precise

limits of the decisions in those two cases. After referring to those two cases, they say:

In the former of those cases—

That is, the McCulloch case—

the tax held unconstitutional was laid upon the notes of the bank. The institution was prohibited from issuing notes at all except upon stamped paper furnished by the State, and to be paid for on delivery, the stamp upon each note being proportioned to its denomination. The tax, therefore, was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created.

I pause long enough to hazard at least the suggestion that if the State bank issue tax question had arisen at the same time and had been brought before the same court as the case of McCulloch against Maryland, the court at that time thus constituted would probably have held that the act passed by the Congress of the United States which sought to tax out of existence State bank issues would not have been valid. The court proceeds:

The tax therefore was not upon any property of the bank but upon one of its operations; in fact, upon its right to exist as created. It was a direct impediment in the way—

Of what?—

a direct impediment in the way of a governmental operation performed through the bank as an agent.

Not in some private function of the bank, but—

in the way of a governmental operation performed through the bank as an agent.

In other words, it was the same as if an attempt had been made to tax money issued by the Government of the United States, because it had utilized this bank as its agency through which to perform this governmental function or operation.

It was a very different thing, both in its nature and effect, from a tax on the property of the bank. No wonder, then, that it was held illegal. But even in that case the court carefully limited the effect of the decision. It does not extend, said the Chief Justice, to a tax paid by the real property of the bank, in common with the other real property in the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in the institution, in common with the other property of the same description throughout the State. But this is a tax on the operations of the bank and is consequently a tax on the operations of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional. Here is a clear distinction made between a tax upon the property of a Government agent and a tax upon the operations of the agent acting for the Government.

And the court proceeds:

In Osborn v. The Bank the tax held unconstitutional was a tax upon the existence of the bank—upon its right to transact business within the State of Ohio. It was, as it was intended to be, a direct impediment in the way of those acts which Congress for national purposes had authorized the bank to perform. For this reason the power of the State to direct it was denied, but at the same time it was declared by the court that the local property of the bank might be taxed, and, as in McCulloch v. Maryland, a difference was pointed out between a tax upon its property and one upon its action.

And further, on page 36 of this volume (18 Wal.), the court said:

It is therefore manifest that exemption of Federal agencies from State taxation is dependent, not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it, or does hinder the efficient exercise of their power.

Now, in what way are these land banks authorized to serve the Government of the United States? In receiving deposits of governmental money and in discharging some fiscal operation of the Government. When they are loaning money to a farmer they are not performing any governmental function; they are not engaged in any operation for the Government of the United States; it is purely a private function. They are not doing anything for the benefit of the Government of the United States; what they do is for the benefit of the farmer and for the benefit of the bank. They loan money to the farmer upon which they collect interest, and they are authorized to collect interest to such an amount, the bill contemplates, that the bank will earn dividends. It is purely a private business that they are engaged in, so far as that part of it is concerned. The case continues:

A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform. A tax upon their operations is a direct obstruction to the exercise of Federal powers.

In this case the tax is laid upon the property of the railroad company precisely as was the tax complained of in Thompson against Union Pacific. It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it was brought into being.

If the State had undertaken to impose a franchise tax upon the Union Pacific Railroad in that case, it would have been invalid.

It is not imposed upon the franchises or the right of the company to exist and perform the functions for which it is brought into being. Nor is it laid upon any act which the company has been authorized to

do. It is not the transmission of dispatches, nor the transportation of United States mails, or troops, or munitions of war that is taxed, but it is exclusively the real and personal property of the agent, taxed in common with all other property in the State of a similar character.

Now, we can imagine the railroad company acquiring a mortgage as a part of its property. Can there be any doubt that the taxing power of the State would have extended to that mortgage as well as to its rolling stock, to its track, and to its real property?

It is impossible to maintain that this is an interference with the exercise of any power belonging to the General Government, and if it is not, it is prohibited by no constitutional implication.

In a very strong opinion rendered in a similar case, involving the right to tax the Union Pacific Railroad, the case being reported in *First Dillon*, page 314, at page 320, speaking of the proposition that the State had no power to tax the Union Pacific Railroad because it had been created by the Government of the United States, and that, among its powers, it was authorized to perform certain functions for the General Government, Judge Dillon said:

The argument in support of this proposition is that the corporation was created by Congress and not by the State; that it was created because deemed by Congress a fit instrumentality or means of exercising the constitutional powers of carrying on, promoting, or facilitating the operations, or executing the duties of the General Government, and that if it be such instrumentality or means it is settled that it is beyond the taxing power of the State.

Then the court refer to the bank cases and state very briefly what they held, and then proceed:

The defendant controverts these propositions and contends that the Union Pacific Railroad Co., though chartered by Congress, is essentially a private corporation, whose principal object—

Let me pause to emphasize those words "principal object"—is individual trade and individual profit, and not a public corporation, created for public and national purposes; and denies that it is an instrument, agency, or means of the General Government, in such a sense as, on this ground, to exempt it by necessary implication from taxation by the States. The cases referred to undoubtedly establish the doctrine that no State has the right to tax the means, agencies, or instrumentalities rightfully employed within the States by the General Government for the execution of its powers; and this doctrine is adhered to, and, when understood with the necessary qualifications, declared to be sound by the Supreme Court, in its latest adjudications on the subject.

Then, further on, the court says:

But the doctrine has its foundation in the proposition that the right of taxation—

That is, the doctrine that the State may not impose a tax upon the instrumentalities of the Federal Government.

But the doctrine has its foundation in the proposition that the right of taxation may be so used in such cases as to destroy the instrumentalities by which the Government proposes to effect its lawful purposes in the States, and it certainly can not be maintained that banks or other corporations or instrumentalities of the Government are to be wholly withdrawn from the operation of State legislation. * * * The principle we are discussing has its limitation—a limitation growing out of the necessity on which the principle itself is founded. That limitation is that the agencies of the Federal Government are only exempted from State legislation so far as that legislation may interfere with or impair their efficiency in performing the functions by which they are designed to serve that Government. Any other rule would convert a principle founded alone in the necessity of securing to the Government of the United States the means of exercising its legitimate powers into an unauthorized and unjustifiable invasion of the rights of the States.

Thus far the court is quoting from a case which I have already read. Then the court goes on, at page 323, to say:

The Government created the corporation—

That is, the Union Pacific Railroad—

The Government created the corporation and both authorized and aided the building of the road. It was to be constructed within the Territories of the United States; and if Congress was not the only power which could erect said corporation and authorize it to build the road therein, it is certain that no road could have been constructed through the national domain against the will of Congress.

The purpose of Congress is manifest not only from the nature of the legislative provisions, but from the plain expression of it, both in the title and in the body of the incorporating act. It is declared in the eighteenth section that "the object of this act is to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes," and to this end "Congress may, at any time, having due regard for the rights of said companies named herein, add to, alter, amend, or repeal this act." And to the same effect is the title, which is, "An act to aid in the construction of a railroad, etc., and to secure to the Government the use of the same for postal, military, and other purposes."

Therefore the case dealt with a corporation which was expressly designed to carry on operations for the Government far more important than anything of that character that is provided for in the bill now under consideration. Then I come to page 326, where the court says:

Congress had the power to create this corporation; it had the power to make its grants conditioned upon the performance by the corporation of certain duties; the power to reserve legislative control over it, as it did; and these and other provisions of the act intended to secure to the Government the use of the road for postal, military, and other public purposes are not abrogated or abridged by the subsequent admis-

sion of Nebraska into the Union as a State; and these rights are inalienable in their nature, without the consent of Congress, and not destructible by any act of the company.

Then the court sums up as follows:

1. That the Union Pacific Railroad Co. is not an instrument of the Government in such a sense as exempts it by implication from the taxing power of the State through which its road may be located.

2. If it be in any sense a Federal instrumentality, the rights of the Government, under the incorporating act, are fully protected and reserved, and any rights derived from a sale for taxes under State authority are entirely subordinate to the original, paramount, and indefeasible rights of the General Government; can not destroy the corporation nor incapacitate it from discharging any of its inalienable, fundamental, and organic duties to the Government. If so, then the case falls without the principle on which the corporation relies to sustain its application for an injunction.

I think I can discover in the more recent judgments of the Supreme Court evidences of a conviction on the part of the judges that the doctrine of implied exemption of Federal agencies from State taxation has been carried quite to its limit, and that it will not be pressed to embrace a case of the character of the one now under consideration.

It is true that in this case and in some of the other cases the statement is made that no exemption from taxation will arise by implication; but the suggestion made by the Senator from Iowa a short time ago, to my mind, must be necessarily true, and that is that the right of the State to tax being a sovereign right the Government of the United States can not interfere with it, unless it be necessary to protect its own instrumentalities or its own operations, either carried on directly or through some agency.

If we once accept any other doctrine, if we once say that the Congress of the United States has the power by an express enactment to do more than that, then we have taken away the sovereign power of taxation from the States, because there is nowhere to draw the line; in the very nature of the case there can be no limitation. If we have the power to say, because we have constituted a certain agency for the purpose of doing certain things for the Federal Government, that we may exempt from State control—because if we can exempt from taxation we can exempt from other control—that we may exempt from State control the operations of that agent which have nothing to do with the Federal Government, then where is the power to end? If we can exempt the mortgage taken by this institution, which constitutes property, upon what theory may we not exempt the farm which the land bank acquires when it has foreclosed one of these mortgages? It seems to me very clear that this is a sovereign power of the State, which the Federal Government is just as powerless to invade, except to protect its own operations, as is the State powerless to invade the sovereign taxing power of the Federal Government, except for the same purpose.

Now, I call attention—and this is the last case which I shall quote—to a recent decision in the case of South Carolina against the United States. That was a case where the State of South Carolina had undertaken to go into the liquor business.

Mr. HOLLIS. Will the Senator please give the reference to that case?

Mr. SUTHERLAND. It is in One hundred and ninety-ninth United States. That was a case where the State of South Carolina had gone into the liquor business, and the Federal Government undertook to collect taxes of the State, just as it collected taxes of corporations or individuals engaged in that business. The State insisted that that was taxing a State operation, and therefore could not be permitted, but the court held that the position was not well taken. The court in its decision, at page 461, said, after referring to a number of decisions:

These decisions, while not controlling the question before us, indicate that the thought has been that the exemption of State agencies and instrumentalities from national taxation is limited to those which are of a strictly governmental character, and does not extend to those which are used by the State in the carrying on of ordinary private business.

In that case they went further than it is necessary for me to go here, and held that even where the State itself engaged in the business, if it was a business that was in its essence ordinarily a private business, it could not escape taxation because it was the State which had embarked in it. At page 463 the court says:

It is reasonable to hold that while the former may do nothing by taxation in any form to prevent the full discharge by the latter of its governmental functions, yet whenever a State engages in a business which is of a private nature that business is not withdrawn from the taxing power of the Nation.

I repeat, in conclusion, that here is an attempt to create an organization for the purpose of doing two wholly distinct things: One, to carry on certain limited operations for the Government; that is, to receive deposits, and to carry on certain fiscal operations; and, second, to discharge the essentially private business of loaning money and collecting interest upon

the loans. The bill does not even contemplate that the Government of the United States necessarily shall be interested in the institution, because it provides that the stock in these various banking institutions shall be subscribed by private individuals; and that only in case there are not sufficient subscriptions from private persons is the Government of the United States to participate. In that event, the Government of the United States is to make up the difference between the subscribed capital and the authorized capital, but provision is made by which the Government retires from the business as a stockholder as quickly as it can, leaving it then wholly in the hands of private individuals.

So that in the last analysis we have a bank which is owned and operated, except for Government supervision, by private individuals engaged in a private business, and the bill undertakes to exempt from taxation the property which they acquire in the discharge of their purely private functions, and not in the discharge of any governmental operations or functions at all.

It seems to me that we are undertaking by that not only to do an unwise thing, to take from a State the opportunity of taxing valuable property within its limits, to which it must afford police protection, as it affords police protection to every other species of property within the State, but that we are doing something that we are without authority to do, namely to invade a sovereign power of the State.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. Is there any difference in principle here than would be the case if Congress attempted to exempt from taxation the stock and mortgages of national banks now in existence all over the country? They are all taxed under State law.

Mr. SUTHERLAND. They are all taxed. Of course, the national banks are a good deal more closely related to the Government of the United States than the banks proposed under this bill will be related to the Government, and as a matter of fact, in the national banking legislation—I have not had occasion to examine it for some time—there are certain provisions which affirmatively recognize the right of the State to tax the capital stock of national banks.

Mr. TOWNSEND. And it is all taxed.

Mr. SUTHERLAND. And, as a matter of fact, it is all taxed. As a matter of practical construction, there certainly can be no more reason why the property of the banks proposed to be established under this bill should be exempted from taxation than that like property held by the national banks should be exempted.

Mr. JONES. Mr. President, I desire to present an amendment which I intend to offer to the pending bill, and ask that it may be printed and lie on the table.

I also present an amendment which I intend to propose to the substitute of the Senator from North Dakota [Mr. McCUMBER]. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. Such will be the order, in the absence of objection.

Mr. HOLLIS. Mr. President, the distinguished Senator from Utah [Mr. SUTHERLAND] announces two prime propositions. He says, in the first place, that he does not agree with the policy of exempting these banks and their operations from taxation; and, in the second place, he does not believe in the right of Congress so to exempt them.

The second proposition always follows, in the case of a constitutional lawyer, from the first. Any lawyer who does not believe in a certain policy of Congress is sure to find somewhere in the decisions of the Supreme Court some basis for his position; and I could tell by looking over a list of the Senators of this body those lawyers who would find grave constitutional objections to doing what we are trying to do in this act.

The Senator from Utah has overlooked two or three very important principles. The first is that in *McCulloch* against The State of Maryland there was no action of Congress whatever exempting the bank or its operations from taxation. In that case the Congress of the United States did not undertake to cover the field of taxation; they allowed it by implication to the States; and yet the court held that, in spite of a failure to include in that statute establishing a United States bank an exemption from taxation, still the operations of the bank were exempt.

Now, take the national banks that exist to the number of 7,500 in this country. There has never been any question raised as to their constitutionality. The question was considered, and an opinion was announced by the Supreme Court in the case of *Farmers' National Bank* against Deering, in *Ninety-first United States*, page 29, in which the constitutionality of the national-bank act was placed expressly on the authority of *McCulloch*

against The State of Maryland. There has never been any argument that the constitutionality of the existing national-bank act rests in the power to issue currency. The Congress of the United States has no express power under the Constitution to issue currency; not the slightest; it has never been claimed that it has. All the authority that it has is to coin money; and the constitutionality of no bank act has ever been placed on the proposition that the bank in issuing currency was coining money or performing a Government function.

Mr. SUTHERLAND. Mr. President, may I interrupt the Senator?

Mr. HOLLIS. Yes.

Mr. SUTHERLAND. The Supreme Court, however, as I recall the decision, has held that having the express power under the Constitution to coin money, Congress has the power, when necessary, to provide a substitute for coined money.

Mr. HOLLIS. I should be very glad to have the Senator produce that case and show where it affected in any degree the constitutionality of any act that Congress has passed for that purpose.

Mr. SUTHERLAND. I am not speaking about it with reference to national-banking legislation; but I say that it has been held that, having the power to coin money, Congress has the power to provide currency or a substitute.

Mr. HOLLIS. That is very true, but the point here is that no bank has ever been declared constitutional because it was given the power to issue currency. If it had been, it would be an authority for the present act; and I wish it were so, because the bonds issued under this act will be just as much currency as the bank notes issued by national banks—precisely as much. They are issued in denominations running from \$25 to \$1,000; they are promises to pay; they are not legal tender; and that is all the national-bank notes are, namely, promises to pay; they are not legal tender. So, if the issue of currency makes any bank constitutional, the issue of these farm-loan bonds, which are payable to bearer, just as a bank note is, makes this act constitutional; and I hope the Senator will succeed in finding such a case. I have not been able to do so.

There is nothing in the Constitution of the United States which in express terms gives authority to Congress to establish a bank or any other corporation. There is no authority of the kind except by implication. *McCulloch* against The State of Maryland, which has remained undoubted and unquestioned authority for nearly 100 years, settles that point. Chief Justice Marshall wrote the opinion; Daniel Webster was counsel for the United States, and appeared with the Attorney General. That case decided that the Government can not be run with the express powers given it under the Constitution unless it can borrow money, unless it can regulate commerce between the States, and raise armies and navies. And the only concrete instance that Chief Justice Marshall cites of how that bank could perform Government functions is that it could transfer treasure from the East to the West and from the North to the South.

In the present bill precisely the same functions are given to the land banks that are given to the national banks under the national-bank act. The Supreme Court has nothing to do with the method by which Congress carries out the purposes that are confided to it. Who for a moment thinks that the Government of the United States ever intends to avail itself of all the 7,500 national banks as fiscal agents or as Government depositaries? It is for Congress to say that they may want to do so at some time; it is for Congress to say "We will establish banks of this kind as Government depositaries and as fiscal agents"; and if Congress says "We do it for that purpose," that settles it, and the Supreme Court can not go behind that verdict. So, Congress having decided that it will establish a bank and will make that bank—or 7,000 other banks—Government depositaries and fiscal agents the Government is acting in that sphere, and, so far as the Government acts in that sphere, it becomes supreme.

At this juncture let me call attention to another point which has evidently been overlooked by the distinguished Senator. He has discussed the occupation of a field of taxation by a State and its occupation by the United States, and says that where one has acted the other is excluded. In the railroad cases which he cited the Government of the United States did not act on the question of taxation. The Government set up the instrumentalities to conduct commerce between the States and to transport armies and ammunition, but it did not undertake to occupy the field of taxation so far as those instrumentalities were concerned.

In the present bill the distinguished Senator from Utah would not himself undertake to occupy that field of taxation, and, if he did not, undoubtedly the State would be left free to occupy

it; but where the Government, acting under a sovereign power, does undertake to occupy a field, it occupies it for all purposes and excludes the States from it. That has been decided, and very clearly decided, in a decision under the national-bank act in *Veazie Bank against Fenno*, 8 Wallace, 533. In that case the United States taxed State bank notes issued by a bank having a State charter, and the court held that the United States may tax bank notes not issued under its authority. That is undoubtedly so, and the opinion has been unanimously concurred in by all the banks of this country, and no State bank undertakes now to issue bank notes. If they did, they would be taxed, and there would be no profit in it. They could issue them if they wanted to pay a 10 per cent tax. Therefore, when the Government of the United States does act upon the subject of taxation concerning any instrumentalities that the Congress has seen fit to employ to carry out an authorized or expressed purpose of the Constitution, then it may act, and act with supreme authority.

In this instance, in section 6 of the pending measure, we have adopted the exact provision found in the national-bank act, to wit:

That all Federal land banks and joint-stock land banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public money and financial agents of the Government as may be required of them.

If the national banks never in the world performed any governmental function whatever they would still be constitutional. The test is not, as the distinguished Senator seems to think, whether or not in the operation that is going on the bank is performing a governmental function. What governmental function is a national bank performing when it loans money to me on my note? None whatever. If Congress sees fit to give to the banks, so that they may exist through the employment of private capital, the power to make money in certain ways, Congress has a right to endow those institutions with such powers; and when they are exerting those powers, whether it is in a private capacity or in a public capacity, they are instrumentalities of the United States, not acting for a public purpose, but acting for a private purpose or any other purpose which can be conceived of, and if they are instrumentalities of the United States, then we may annex any conditions we may desire to the performance of any duties private or public. There can not be any escape from that.

Mr. CUMMINS. Mr. President—

Mr. HOLLIS. I yield to the Senator.

Mr. CUMMINS. My inquiry is whether the exception which the bill contains with regard to real estate is one of policy or one of necessity?

Mr. HOLLIS. Purely one of policy. We could exempt real estate just as much as we could the capital—there is no doubt about it—just as we exempt the post office when we buy real estate and put a Government building upon it. Of course we could.

Mr. CUMMINS. I assume that the Senator applies the rule he has just announced to the real estate as well as to the personal property of the bank?

Mr. HOLLIS. Certainly.

Mr. CUMMINS. And we could except all of it if Congress so desired?

Mr. HOLLIS. Certainly; but I think it would be very bad policy. Let us apply that for a moment.

The United States Constitution—and we do not consider it broadly enough in this body; now and then some one gets up and considers some section of it—declares, first, the purpose of the Constitution, among other things, to promote the general welfare and provide for the common defense, and then it proceeds immediately to discuss the powers of the legislative branch. It sets them up, first tells what the Senate and House shall be composed of, how they shall conduct their business, what shall be a quorum, and so forth, and then, in the eighth section of the second article, I believe, it says that the Congress shall have power to do certain things. We have to operate under the eighth section.

Among other powers given to Congress is the power to establish post offices and post roads. In order to carry that out we want a post-office building. A post office is not a building alone. A post office is a building with people in it to handle the postal business, but to carry out the purpose of constructing a post office we erect a building. We buy from the citizens of a State, from the owners, a certain tract of land, and we put up a post-office building on it. That is exempt from taxation. That is a discrimination against every other piece of real estate

that does pay taxes; but we do it, and we could do it here. If it seems wise to Congress in establishing a useful instrumentality—one that will exist and be powerful enough to be of some service to the Government—Congress may exempt its real estate if it wants to, but I think that would be very poor policy.

Now, let me recur to the question of currency.

Most people confuse currency and coin. Coin is specie. It is metal, having a real value, an intrinsic value, and stamped by the Government so that it passes as legal tender from hand to hand. Currency is composed of paper money, bonds, securities, and bank checks. That is currency. It is used all the time as currency. It passes current from hand to hand, but is not legal tender. Now, the bonds issued under this act are just as much currency as the bank notes issued by the Riggs National Bank—just as much. One is legal tender as much as the other; that is to say, not at all. If the bonds secured by these mortgages are properly looked after and properly issued, they will be better currency than the bank notes issued by the Riggs National Bank. They will be better secured. So that if any Senator is going to put the right to establish a national bank on the ground of the power of Congress to issue currency, then this act is surely constitutional. There can not be any escape from that.

Recurring to the railroad cases that have been referred to, I have no hesitation in saying that if it had seemed to the Congress of the United States that it was necessary to exempt those railroads and their real estate from taxation, Congress would have had entire authority to do it. If Congress had believed that otherwise those instrumentalities would not have been vigorous and useful and would not have fulfilled the function of the Government that the Congress thought they would, Congress could have exempted them from taxation. But Congress did not do it, any more than Congress exempted the Bank of the United States from taxation in express terms; and right there comes the difference. Because the issuing of bank notes by the United States Bank was one of the necessary and useful functions to which Congress had regard, therefore the Supreme Court of the United States said: "That is such an operation of the government of the bank that Congress could not have intended that the State could tax it." Why? Because if the State could tax that function of the particular instrumentality—to wit, a bank—it could drive it out of business; and so the States could drive these banks out of business if they could tax them, and they would.

Mr. SUTHERLAND. Mr. President—

Mr. HOLLIS. I yield to the Senator from Utah.

Mr. SUTHERLAND. Does the Senator from New Hampshire think that Congress would have the power to exempt from taxation the engines and cars and other rolling stock of the Union Pacific Railroad?

Mr. HOLLIS. I certainly do, and there can not be any case produced deciding the contrary.

Mr. SUTHERLAND. Because it never has been tried.

Mr. HOLLIS. No.

Mr. SUTHERLAND. The case never has arisen.

Mr. HOLLIS. No; it has not been tried. The Senator asked me for my opinion, and I gave it; and I am entitled to it, as much as anyone else is entitled to his opinion, until the court decides differently.

Mr. SUTHERLAND. Certainly.

Mr. HOLLIS. Congress would not attempt to do it, of course; and I should not attempt to get the land exempted from taxation under this bill.

Mr. SUTHERLAND. I do not desire to interfere at all with the Senator's entertaining that opinion, but I ask the Senator this further question: I suppose the Senator concludes that Congress would have the power to exempt from taxation the property of the Union Pacific Railroad Co. because the Union Pacific Railroad Co., in certain aspects, was an agency of the Government?

Mr. HOLLIS. Yes. That is for Congress to decide, whether it is or not.

Mr. SUTHERLAND. The Senator recognizes that the Attorney General is an agency of the Government of the United States?

Mr. HOLLIS. I beg the Senator's pardon; I do not think the Attorney General is an agent of the Government of the United States. He is an official, with certain prescribed duties. He can not bind the Government of the United States.

Mr. SUTHERLAND. Does the Senator think he is an agency of the Government?

Mr. HOLLIS. I think he is an officer.

Mr. SUTHERLAND. Is he not an agency?

Mr. HOLLIS. Why, you may call him that. You may call him an instrumentality. I do not care what you call him.

Mr. SUTHERLAND. Does not the Government perform certain functions through him?

Mr. HOLLIS. Certainly.

Mr. SUTHERLAND. Does the Senator think that the Congress of the United States could exempt from taxation any of the individual property of the Attorney General?

Mr. HOLLIS. Why, I do not think any such thing. I do not know. I never have seen it decided. I can not conceive of anyone raising such a question. I do not care to give an opinion on such a matter.

Mr. SUTHERLAND. I personally can see very little difference in principle between the two things.

Mr. HOLLIS. That is because the Senator does not want to see the difference; and when a man does not want to see a difference, you can not make him see it. Knowing the Senator's drift of mind and his policy on public questions, I should not expect him to be able to see the constitutional power here, plain though it may be. I do hope the majority of the Senators will see it, and I am very confident the Supreme Court of the United States will see it if the bill is passed.

Mr. SUTHERLAND. I will say to the Senator, if he will permit me, that I am very glad that I have not the ability to see some things as some people see them.

Mr. HOLLIS. Well, that is pleasant, and I am much obliged.

Mr. CUMMINS. Mr. President, whatever may be said about the Senator from Utah, the Senator from Iowa is not a narrow or an illiberal constructionist of the Constitution.

Mr. HOLLIS. Well, I do not entirely agree to that.

Mr. CUMMINS. But I rise to ask this question: Does the Senator from New Hampshire think that Congress could have given the State of Maryland the right to tax the notes of the United States Bank?

Mr. HOLLIS. If Congress had said, "The notes of the United States Bank shall not be exempt from taxation by a State authority," that undoubtedly would have been constitutional.

Mr. CUMMINS. The Supreme Court held, however, that the tax was unconstitutional because repugnant to the Constitution; and the substance of the Senator's answer seems to me to be that Congress can, if it desires, waive the Constitution.

Mr. HOLLIS. No; I do not think that is at all so. Congress might have done it in this way, and it undoubtedly would, if it had acted. I am glad the Senator has raised that point, because it raises exactly the same question that was decided under the national-bank act. I say, and I believe, and the authorities sustain the proposition, that the Government might provide that the capital stock and the real estate of a national bank are exempt from taxation. I believe that. But Congress has said that the capital stock of a national bank may be taxed the same amount as the capital stock of other institutions of a like character in the State. Now, that is constitutional; and if it had made that same provision in the law under consideration in *McCulloch* against the State of Maryland that would have been constitutional.

I do not say that Congress can do anything repugnant to the Constitution. Of course it can not; and if it had made the same provision about the bank notes and had said that they should be subject to the same tax as bank notes issued by State institutions, that undoubtedly would have been constitutional.

Mr. CUMMINS. In the absence of any such statement as that, does not the Senator from New Hampshire think that an attempt on the part of the State to discriminate against the stock of a national bank or the property of a national bank would be invalid?

Mr. HOLLIS. Does the Senator mean under the statutes as they are?

Mr. CUMMINS. Without any statute at all on that subject.

Mr. HOLLIS. Without any statute? I think it would have been discrimination.

Mr. CUMMINS. And would have been entirely invalid?

Mr. HOLLIS. I think so.

Mr. CUMMINS. Even if Congress had not spoken at all?

Mr. HOLLIS. I think so; certainly.

Mr. CUMMINS. I am only trying to suggest that, in my opinion, whatever exemption from State taxation exists on the part of property within a State arises under the Constitution, and does not and can not arise under any law of Congress. Congress can neither add to nor take from the Constitution.

Mr. HOLLIS. Congress has acted in the national-bank act, however, which all concede to be constitutional.

Mr. THOMAS. Mr. President, the position suggested by the Senator from Iowa [Mr. CUMMINS] is entirely logical, to my mind; but it seems to me that it is overthrown, or at least it is affected, by the decision of the Supreme Court sustaining a

tax placed upon State bank currency for the avowed object of suppressing it and making such issues impossible.

Mr. CUMMINS. Mr. President, if I may be allowed to mention that case, that is an authority arising under the power of the Federal Government to tax. It laid the tax. Of course, the power to tax need not be exercised by the General Government in every instance in which it has the power to tax. It is not so exercised now. The Federal Government has the right to tax every business concern in the United States, if it pleases, simply because it is carrying on that particular business; but it does not do so. It is a power in abeyance. So when the Federal Government came to lay a tax upon State bank circulation it did not involve the exemption of property from taxation under the Constitution.

The Senator from New Hampshire has not stated fully the reasons given by the Supreme Court in sustaining that act on the part of Congress. I think he will remember that there were a good many objections made against the tax. Among others, the question of direct and indirect taxation arose; and the Supreme Court finally sustained the Federal power, because it held that it was a function of the Federal Government to provide the people of this country with a circulating medium, and that the State bank circulation interfered with the power of the Government to provide the people of the country with a stable circulating medium, and therefore the Federal Government could designedly drive the State circulation out of existence.

Mr. HOLLIS. That is merely a matter of policy. That is not a matter of right; it is a matter of policy. Congress did that as a matter of policy. We are passing this bill as a matter of policy; but our right to pass it rests on a very different thing.

Mr. CUMMINS. Not at all.

Mr. HOLLIS. The Supreme Court has decided that the right to pass the national-bank act rests on the authority of *McCulloch* against the State of Maryland.

Mr. CUMMINS. Not at all. In the case of *McCulloch* against Maryland the question was, Can the State impose a tax upon a Federal instrumentality? There was nothing in the law which either gave the State the right to do it or withheld from the State the right to do it.

Mr. HOLLIS. I have not said there was. I said the national-bank act was decided constitutional on the authority of *McCulloch* against the State of Maryland, and it is true.

Mr. CUMMINS. I do not quite think so; but, then, that is—

Mr. HOLLIS. Well, if the Senator will do me the honor to read the case I cited to him, I think he will find it stated there in terms.

Mr. CUMMINS. I will read, however, the last paragraph in the opinion, if the Senator from New Hampshire will permit me.

Mr. HOLLIS. Which one?

Mr. CUMMINS. It is the case of *Veazie Bank* against *Fenno*. It is the case to which the Senator from New Hampshire referred a few moments ago.

Mr. HOLLIS. I beg the Senator's pardon. The case I referred to as establishing the constitutionality of the national-bank act was *Farmers' National Bank v. Deering* (91 U. S., 29).

Mr. CUMMINS. In the inquiry of the Senator from New Hampshire addressed to the Senator from Utah I am quite sure the Senator referred to that opinion.

Mr. HOLLIS. I did refer to it, but for another purpose—not for the constitutionality of the national-bank act, but for the power of the United States Government to tax State bank notes out of existence.

Mr. CUMMINS. To tax a State instrumentality.

Mr. HOLLIS. Yes. They are very distinct.

Mr. CUMMINS. And this is what the Supreme Court said in closing this opinion:

Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency—

I interpolate, through the national banks—

for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

The Supreme Court, in truth, did not treat the enactment which levied the tax as a part of the taxing power for revenue at all. It treated it as though it was an exercise of the power to destroy the State-bank circulation; and it could have done it in some other form quite as effectually and quite as constitutionally as it could have done it through the power of taxation.

Mr. HOLLIS. If the Senator will permit me, the case from which the Senator has read had nothing whatever to do with the constitutionality of the national-bank act, which set up the national banks as instrumentalities of this Government. It dealt with the power of the Congress of the United States to tax out of existence the State bank notes. There is no doubt about that. They decided, in the words of the opinion, that Congress had undertaken in a constitutional way to act through national banks; and in the case of the Farmers' National Bank against Deering, which called directly in question the constitutionality of the national-bank act, the decision was put precisely on the authority of *McCulloch against State of Maryland*, and not at all on the power to provide a suitable currency for the United States. That was the only point I wanted to make.

Mr. WILLIAMS. The Senators are talking about different things.

Mr. CUMMINS. I do not differ at all with the Senator from New Hampshire with regard to the reasons which underlie the power of the Government to establish national banks. I do not question the statement of the Senator from New Hampshire that the national banks of the country rest upon the same constitutional authority that was invoked in the case of the United States Bank in the early part of the century.

Mr. HOLLIS. I am very glad the Senator understands that. I did not want the other Senators to be misled.

Mr. CUMMINS. I was simply calling the attention of the Senator from New Hampshire to the fact that because the United States could tax, or destroy in any other method, State bank circulation, that was not even a step toward the argument that Congress could exempt these land banks and their property, their bonds, their stock, from State taxation.

Mr. THOMAS. Mr. President, if the Congress had enacted a law for the purpose of protecting its own issues of currency and in order to give the Nation a general system of currency circulation by prohibiting the issue of currency by State banks, I never should have questioned its authority to do so, in view of the decisions up to the time the statute taxing the State bank currency was passed. But it has always seemed to me that the decision in the case just referred to by the Senator from Iowa [Mr. CUMMINS] was opposed in principle to the doctrine of *McCulloch against Maryland*, which recognizes the exemption of State instrumentalities from Federal taxation quite as vigorously as it insists upon the exemption of the national instrumentalities from State taxation. Indeed, the statement of the one thing necessarily includes the statement of the other. But it did not legislate directly in prohibition of the issuance of currency by State banks.

There was a time when there were State banks in the true sense of the term—that is, banks which were organized by the State for the State, and which were controlled by and run in the interest of the State government. Of course, they did a general banking business. Now, the Federal Government, through Congress, for the purpose of protecting the currency of its own banks and giving it that national quality which it possesses, and which was desirable, in the exercise of its taxing power placed a tax upon the instrumentalities and the currency of the States and made it prohibitory. If we can conceive that State banks, or banks organized by authority of the States, notwithstanding such 10 per cent tax, had continued to issue their currency, it would have been good in the States of issue, at least. In other words, the enforcement of the tax does not of itself destroy the circulating quality, so to speak, of the bank note against which it was aimed.

That has been held, nevertheless, by the Supreme Court of the United States to be the exercise of a proper authority. If that be so, then it seems to me that if this bill sought to accomplish the same purpose by providing for prohibitory tax upon all other mortgages and all other bonds issued by or under State authority—we will say 10 per cent upon the amount which they represented—certainly that would necessarily be upheld by the Supreme Court of the United States if Congress has the power to enact this rural credits legislation at all; and inasmuch as that case has determined that Congress may, by the exercise of its taxing power, destroy a competitor, certainly it is not going too far to say that it may accomplish the same purpose by providing exemptions upon its own instrumentalities, its own currency, its own circulating medium.

Mr. LEWIS. Mr. President—

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Colorado a question? I am not entirely sure that I apprehend the position that the Senator takes with reference to the *Veazie Bank* case. Does the Senator think that in that case the act was justified by the court upon the ground that it was a naked exercise of the taxing power?

Mr. THOMAS. I never have thought so, although, of course, I realize that the power to tax is the power to destroy. In fact, the Chief Justice says so. He uses that expression in *McCulloch against Maryland*.

Mr. SUTHERLAND. The *Veazie Bank* case, as I said in answer to the Senator from New Hampshire when he asked me about it, has never entirely satisfied my own judgment, which, however, does not matter very much.

Mr. THOMAS. I never have been able to reconcile it with previous decisions of the same court, but it is the law just the same.

Mr. SUTHERLAND. But I take occasion, with the permission of the Senator, to incorporate in the Record, so far as it deals with this question, the syllabus of that case, *Veazie Bank against Fenno*, in Eighth Wallace, at page 533:

Congress having undertaken, in the exercise of undisputed constitutional power, to provide a currency for the whole country, may constitutionally secure the benefit of it to the people by appropriate legislation, and to that end may restrain by suitable enactments the circulation of any notes not issued under its own authority.

Mr. THOMAS. With that I agree, provided the power is exercised directly.

Mr. SUTHERLAND. Yes.

The tax of 10 per cent imposed by the act of July 13, 1866, on the notes of State banks paid out after the 1st of August, 1866, is warranted by the Constitution.

It appears from that, taking those two syllabi together, that the decision of the court was based upon the proposition, not that it was a legitimate exercise of the taxing power per se, but that it was a law passed for the protection of the currency of the United States for which the Congress, in the exercise of its constitutional power, had provided. Notwithstanding that, there is a very strong dissenting opinion, as the Senator knows, and I think nobody can read the dissenting opinion without coming to the conclusion that it is the better reasoned of the two opinions.

At the conclusion of that opinion, Mr. Justice Nelson, speaking for the minority, said (p. 556):

Even if this tax could be regarded as one upon property, still, under the decisions above referred to—

Those, among others, were the United States Bank cases—

it would be a tax upon the powers and faculties of the States to create these banks, and, therefore, unconstitutional.

It is true that the present decision strikes only at the power to create banks, but no person can fail to see that the principle involved affects the power to create any other description of corporations, such as railroads, turnpikes, manufacturing companies, and others.

And, taking the dissenting opinion all through, I think the Senator will agree with me that it is a remarkably well-reasoned opinion.

Mr. THOMAS. I think it is unanswerable.

Mr. SUTHERLAND. The majority opinion can only be justified, as it seems to me, upon the single ground that the law is passed for the protection of the currency of the United States; and it is justified by the court just as they would have justified a law which had expressly declared that no such State notes should be issued at all.

Mr. THOMAS. Certainly. The Supreme Court having sustained the legislation, of course we must assume and also concede that the legislation was entirely within the purview of congressional authority; but its application here, to my mind, seems appropriate, provided it would give authority to Congress in this bill, by providing for a tax upon all other mortgages to the extent of 10 per cent, or a prohibitory tax, practically to do away with all possibility of competition in the operation of this law. If that be so, then it seems to me that the power exists to exempt, although they may be instrumentalities or may not be, those things which are provided for in this law, since that practically accomplishes the same purpose.

Mr. LEWIS. Mr. President—

Mr. CUMMINS. Mr. President, may I ask the Senator from Colorado a question with regard to the last suggestion, which I think is absolutely sound, if I understood him correctly? We have the same right to levy a tax of 10 per cent or any other proportion upon every mortgage issued in the States, and thus compel the land banks to do all the business, that we have to exempt the mortgages of the land banks or their bonds from taxation, and in that way drive other mortgages out of existence. I understood the Senator to say that both would rest upon the same constitutional authority, and I think he is right about that. If we could do either—if we could do what we now propose to do, exempt these things from taxation—we could accomplish the same purpose by imposing a direct tax upon mortgages that are not issued by the land banks.

Mr. THOMAS. Yes. In other words, it is a choice of method of procedure.

Mr. CUMMINS. So the Senator from Colorado believes that we could, if we desired to do it, put a tax of 10 per cent, or any other sum, upon every mortgage issued upon farms in the United States?

Mr. THOMAS. I would not want to go so far as to say I think we have that power. The decision to which the Senator referred seems to give it. If we have the power, then if we can accomplish the same end by exemption from taxation of mortgages and bonds provided for by this act, we have the power to do it. Now, whether Congress has the power to enact legislation of this kind, to place a prohibitory tax on all bonds and mortgages, I do not want to commit myself. This decision goes a long way in that direction. I think, however, I can say with perfect safety that if we have the power to enact this bill at all, if Congress has the power to create a system of rural-credit banks, then it has the power to enact all the legislation necessary for the protection and for the operation of the system; and upon the assumption that we have that power, coupled with the decision to which the Senator refers and the other decisions that have been quoted here, it seems to me that the provision which is now the subject of consideration is within the power of Congress.

Mr. LEWIS. Mr. President, I wish to address myself to the question, if the Senator from Utah will allow me. I happened to come into the room while the controversy upon the legal aspect of this bill was being indulged by the Senator from Utah, the Senator from New Hampshire, and the Senator from Iowa. I heard the Senator from Utah quote the concluding paragraph from the opinion in Ninth Wallace. Am I right in this?

Mr. SUTHERLAND. I referred to Ninth Wallace. I do not remember whether what I read was the concluding paragraph.

Mr. LEWIS. I make the inquiry of the Senator, knowing him to be a skilled lawyer, living as he does in Utah and knowing the litigation involved in the Union Pacific Railroad Co. My mind reverts to the case of Peniston against Union Pacific Railroad Co., in Eighteenth Wallace, where, if I am not in error, the Supreme Court there held, touching the Union Pacific, that whether a tax levied upon governmental agency was good or whether one could be exempted as righteous, turned rather on the effect the tax worked than upon the designation of it by name or purpose.

I will ask the Senator from Utah does he not think that that so modifies the rule laid down in Ninth Wallace as to leave it as follows: That the right of the Government to exempt the tax, the legality or not, the validity or not, will turn upon the effect that the courts will give as to how far such stimulates circulation or restrains, to leave it rather a question of fact than one of law. Would not the Senator conclude that such must be the result of the ruling to which I allude, if I am right in my memory?

Mr. SUTHERLAND. It is entirely due to my dullness, no doubt, but I do not well get the point the Senator makes.

Mr. LEWIS. I may have misunderstood the Senator from Utah, and I am anxious to see if I did. Does the Senator from Utah contend that an attempt by the Federal Government to exempt this proceeding, this State bank issue, from State taxes, was per se illegal?

Mr. SUTHERLAND. My point is that the Government has no power to exempt property lying within the limits of a State from State taxation simply because the property happens to belong to an agent of the Federal Government or an agency of the Federal Government.

Mr. LEWIS. In reference to that last point, then, I ask the Senator if his mind reverts to the case against the Owensboro Bank, in One hundred and seventy-third United States? I think there it was held that it was in the power of Congress to make a reservation by its own act of a right of a State to impose a tax on a Federal institution. Am I right about that?

Mr. SUTHERLAND. I do not recall the case the Senator refers to, but no doubt the Senator has stated it accurately.

Mr. LEWIS. Let me call your attention, for I am anxious myself about this, and I must be free to say to the Senator I trust I am not intruding. This question of taxes we are now discussing fell under me in a professional way, and the whole field of it I had to go through with. I argued the contention of the right of the city of Chicago to levy a tax upon certain instrumentalities of the Federal Government by virtue of municipality. I wish to say to the Senator I argued that case with such power and capability, with such irrefutable logic, that the court, at the conclusion of my argument, decided it for the other man without hearing him at all. [Laughter.]

Mr. SUTHERLAND. I do not blame the court a particle.

Mr. LEWIS. But in this pursuit my mind was especially addressed to the distinction, and I am very much interested in the point the Senator suggested, and particularly the distinction which he presented, and which the Senator from Colorado and

the Senator from Iowa sought to sustain. I ask the Senator if he can see the distinction in the case of Owensboro against the National Bank. I will read only a part of the syllabus, where the court say—and they went very far, as the Senator says, in opposition to what appears as a general principle:

A State is wholly without power to levy any tax, either direct or indirect, upon national banks, their property, assets, or franchises, except when permitted so to do by the legislation of Congress.

I am strongly impressed with the idea that previous to this decision and previous to the decision that followed it in 180, a case that came from the West, there was a general idea that the State had no such power, and the creation by Congress of a Federal institution of this kind promptly placed it within constitutional protection, and within that Federal constitutional immunity it was safe and secure.

But I state to my able friend from Utah here is where I am embarrassed. If it is in the power of an act of Congress to subject an institution to State taxation, is it not equally in the power of Congress to waive the right and exempt it from taxation?

Let me reverse myself and make it shorter and make it plain to the mind, because if it is not legal we ought not to pass it. I am for the measure generally, but I do not wish to vote for what is illegal, and I wish the Senator's opinion. If we can pass this measure and provide that there shall be an exemption, if we can provide that no State shall put a tax upon this property, do we not simply say to the State we have created an agency for the general use of the Federal Government, and therefore to that extent we deny the right of the State to burden it by that taxation? Would not that act of Congress prohibit the State within the meaning of this decision from levying that tax?

Mr. SUTHERLAND. Let me ask the Senator from Illinois a question. This bill creates a so-called land bank, and among other things it provides that the Government of the United States may deposit funds in that bank, and that it may discharge—I do not remember what they are—fiscal operations for the Government of the United States. To that extent this bank may be regarded as an instrumentality of the Federal Government. But the association is made up of private stockholders, private individuals, who put their capital into the bank and take stock, and these private individuals operate the bank, and in the course of their operations they loan a farmer \$1,000 and take from the farmer a mortgage upon his land. I ask the Senator from Illinois what governmental function the bank performs in making that loan?

Mr. LEWIS. Has the Senator concluded?

Mr. SUTHERLAND. Oh, yes.

Mr. LEWIS. My judgment would be this, Senator, that in his position as a citizen of the United States the United States is assumed to give him the right to enjoy the privileges of money and its circulation; that it has provided an agency to accomplish that purpose, and when it provided the agency by Federal legislation, the office of the Federal Government that was being discharged, was the opportunity to enjoy the circulation upon the security tendered which the Government had elected to select.

Mr. SUTHERLAND. Does the Senator from Illinois think that the loan of money is a governmental function or a private function?

Mr. LEWIS. The Senator remits me now to the vexed discussion that has been with us from the founding of this Government. My judgment is this, that the lending of money by the Federal Government to the citizen is a governmental agency. The lending the Government by a private agent in exercising the privilege of the charter of the Federal Government is private business.

Mr. SUTHERLAND. If the Senator thinks that loaning money is a governmental function, there is no common ground for us to argue upon. The Senator thinks whenever the Government does anything that makes it a governmental function?

Mr. LEWIS. Otherwise the Government could never enforce it. The moment it attempted to enforce it any one of the sovereignties could step in and say, "It is not governmental for you to enforce it, because the doing of it is in the exercise of a private capacity, and therefore a Government can not enforce it." I take it that to avoid a punishment for a violation of the Government decree it would be answered that true you authorize it and carry it out, but as a Government you can not punish the disobedience. It would be impotent unless it was a Government act, from my point of view.

I should like to ask the Senator from Utah to look at this case which I hand to the Senator, and in this case of Peniston against the Union Pacific, Eighteenth Wallace. I should like to call the Senator's attention to that. A specific qualification of

Ninth Wallace, read by him, is made; but I am not quite so sure to the extent. My mind is a little hazy. It has been some time since I had occasion to use this case.

May I read from page 30, Railroad against Peniston, which came from Utah and Kansas, and it involved the whole Government railroad line through, and the case from which the Senator read with much appropriateness a moment ago? On page 30 the Senator will find this:

There are, we admit, certain subjects of taxation which are withdrawn from the power of the States, not by any direct or express provision of the Federal Constitution but by what may be regarded as its necessary implications. They grow out of our complex system of government, and out of the fact that the authority of the National Government is legitimately exercised within the States. While it is true that Government can not exercise its power of taxation so as to destroy the State government or embarrass their lawful action, it is equally true that the States may not levy taxes the direct effect of which shall be to hinder the exercise of any powers which belong to the National Government. The Constitution contemplates that none of those powers may be restrained by State legislation. But it is often a difficult question whether a tax imposed by a State does in fact invade the domain of the General Government—

The question the Senator asked me a moment ago—
or interfere with its operations to such an extent, or in such a manner, as to render it unwarranted.

A distinction I sought to make to the able Senator in my reply.

It can not be that a State tax which remotely affects the efficient exercise of a Federal power is for that reason a loan inhibited by the Constitution. To hold that would be to deny to the States all power to tax persons or property. Every tax—

And so forth.

Then they proceed:

Hence the Federal Constitution must receive a practical construction.

And the court discusses the correlative relation of taxation.

I respectfully urge upon the able Senator's attention this point. Would not the Senator conclude from this, and this opinion following, that the subject matter of tax, the method in which it operates, the effect it has upon the subject matter which must be the basis to determine whether it is legal or not—I ask the Senator, would not the tax be illegal if it shall be held that in its operation it does serve to retard the instrumentalities of the Federal Government? Would it not be held, therefore, illegal if we put one upon it and so served in its operation to retard the object? Are we, therefore, not back again to the question as to the effect of the operation of the tax that the State may or may not tax the Federal Government or may or may not grant the immunity, according to the purpose of the legislation, rather than to the mere distinction in powers of State and Federal Government?

Mr. SUTHERLAND. Mr. President, my complaint about this exemption is that it interferes with the sovereign power of the State to tax within the limits of the State the same kind of property that it taxes in the hands of private individuals, simply because it happens to be held by an association which in an altogether different connection may act as an agency of the General Government.

Mr. STERLING rose.

NOMINATION OF LOUIS D. BRANDEIS.

Mr. SUTHERLAND. Mr. President, the Senator from Arizona [Mr. ASHURST] is, I see, in his seat, and I want to call attention while he is here to an interview which purports to have been given by the Senator to the newspapers, as reported in the Washington Herald of this morning. In the course of that interview, the Senator from Arizona is quoted as having said—I read the article:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony and Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in perturbed state of mind after telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination.

I hope the Senator from Arizona was not responsible for giving that interview, because nothing of the kind occurred.

Mr. ASHURST. That is true.

Mr. SUTHERLAND. In the first place, no Republican Senator is responsible for not having an immediate report made on the Brandeis case. On the contrary, so far as I am informed, the Republican members of that committee are quite ready to vote upon it at any time; and, second, if the Senator was in a perturbed state of mind, I did not observe it. In the third place, the Senator did not tell the Republican members of the committee that they were deliberately filibustering or that they were filibustering at all, because I was present during the whole of the meeting and nothing of that sort occurred.

Mr. ASHURST. If the Senator will yield to me, I will state that I have never seen that interview. I never said in the

Judiciary Committee that the Republican members were filibustering. I have never seen that interview. The interview which I saw in the New York World was one that is substantially correct. When I came out of the Judiciary Committee yesterday morning I did say something in response to questions about this case, and, Mr. President, as was my wont and my custom, I said what I thought. I am not of that character of public men who give an interview to a newspaper reporter and then when the newspaper man honestly and faithfully publishes the same, shifts the responsibility and say the paper garbled the statement.

What I said to the newspaper man was this. The reporter asked me, "Do you think the Republican members are filibustering until after the convention?" I said "Yes, sir"; and I did think it, and, upon the whole, I think it now.

Mr. SUTHERLAND. Let me say to the Senator—

Mr. ASHURST. Just a moment.

Mr. SUTHERLAND. The Senator will permit me a moment right there. I wish to say if the Senator thinks so the thought of the Senator is without warrant.

Mr. ASHURST. I am glad to know that.

Mr. SUTHERLAND. There is not any other member of the committee, in my judgment, who will agree with the Senator.

Mr. ASHURST. I think that is quite true.

Mr. SUTHERLAND. Democrat or Republican.

Mr. CLARK of Wyoming. If the Senator from Arizona had been as faithful in his attendance upon the hearings as the Republican Members and other Democratic Members have been, he would not have formed that notion, because I say for both the Republican and the Democratic members of the committee that they have proceeded with fair and honest purpose to reach a definite conclusion, and I can only regret that the Senator from Arizona has not honored the committee with his presence so as to assist them in that laudable purpose.

Mr. ASHURST. Mr. President, unlike some other members of the Judiciary Committee I do not pretend to deliberate when my mind is made up. I do not wish any members of the Judiciary Committee, of which I happen to be a member, to feel offended. A member of the Judiciary Committee told me this afternoon that I had violated the proprieties in stating what took place in the Judiciary Committee. Mr. President, you can remove me from the Judiciary Committee, but you can not seal my mouth.

Mr. CLARK of Wyoming. The Senator has reference to me. I did not make the statement. I said I thought retailing in public what occurred in executive session of the Judiciary Committee or any other committee was an impropriety, the same as it would be to reveal what occurred in an executive session of the Senate.

Mr. ASHURST. I deny here and now that I retailed what took place. I do not say what took place. I assert here on my responsibility as a Senator, and I call the reporter to witness, that I never stated what took place. I said what I thought, and I should like to see the color of the person's hair who can imprison my thoughts. I can well understand the perturbation, indeed the astonishment, that must have greeted the Republican Party when the name of such a man as Louis D. Brandeis was sent in to be a justice of the Supreme Court.

If the nominee had been a man who all his life had been steering giant corporations around the law, there would have been a yell of approval from the Republican side, but there having been sent in the name of a man who has consecrated his life to the poor people of this country, casuistry must be resorted to, and then all the delay that can be conjured up is resorted to.

Mr. CLARK of Wyoming. Mr. President—

Mr. ASHURST. Just a moment. As to whether or not there is a filibuster on the case can easily be determined next Monday morning by a vote on the matter. If all are willing to vote and do vote, then I shall believe there is no filibuster; but it must not be forgotten, in connection, that in your desperation to secure a candidate whom you think could win, in your desperation to overthrow Woodrow Wilson—not Republican Senators, they are above it—but their party has reached out its hands and attempted to grasp from the Supreme Court of the United States one of its members in order to mingle him in the debaucheries of politics, and so flagrant is your disregard of that great court that one of your own members, the Senator from California [Mr. WORKS], an honored member of the Judiciary Committee, openly rebuked you in the Senate for that conduct.

I do not resent the resentment which you feel over my interview. I again assert I did not say what took place in that committee; I said what I thought and I stand by it.

Mr. CLARK of Wyoming. Well, Mr. President, I have nothing further to say than what I have said. Attention has been called

by a Senator to an interview which was given out, and which the Senator from Arizona fathers. The interview states anything but the truth. The Senator himself is perfectly aware of that, because he has been informed of it, and he has reliance on the word of those who have informed him. All the tirade about political matter cuts no figure. The interview is denied.

Mr. LEWIS. Mr. President—

Mr. ASHURST. Just a moment.

Mr. WORKS. Mr. President—

Mr. ASHURST. Just a moment, please. I hardly know what effect that would have. The interview can not be denied, because I gave it. I gave the interview, and I assert I believed it when I said it. If the Senator wants to say he does not believe that I believed it, that is a different question.

Mr. SUTHERLAND. Let me ask the Senator, did the Senator give the interview I read?

Mr. ASHURST. No. I did not. The interview I gave was this—

Mr. SUTHERLAND. Let me ask the Senator, does the Senator repudiate the statement in the Herald which I read?

Mr. ASHURST. Let me see what the Senator wants me to repudiate before I do any repudiating.

Mr. WORKS. Mr. President—

Mr. ASHURST. Pardon me just a moment. This paper, the Washington Herald, which is usually an accurate paper, says as follows—I omit the headlines, because headlines never mean anything in a newspaper:

The session of the Judiciary Committee of the Senate held yesterday to consider the nomination of Louis D. Brandeis for Associate Justice of the Supreme Court was attended with some acrimony.

That is not so; there was no acrimony displayed. I did not feel any acrimony, and do not feel any now.

Senator ASHURST, who is favorable to the confirmation of Brandeis, left the meeting in a perturbed state of mind.

Well, that is not so.

After telling the Republican members of the committee that they were deliberately filibustering against a report on the nomination—

That is wholly and purely a fabrication. I did not tell any Senator such a thing.

Later, after he emerged from the committee room, the Senator said that there was a disposition to postpone action on the nomination until after the national conventions. He charged that questions had been asked for the twentieth time in the committee—

That is true, though I did not charge that. The same question has probably been asked 20 times.

Mr. SUTHERLAND. To what question does the Senator refer?

Mr. ASHURST. Like many things in this life, they are too numerous to mention.

Mr. SUTHERLAND. I do not recall any such question as the Senator mentions. I would be glad if he would point it out.

Mr. ASHURST. The statement in the Herald continues—and old straw thrashed over, and the Senator intimated that if dilatory tactics were persisted in the matter might be taken up in the executive session of the Senate and a motion made to discharge the committee from further consideration of the case.

Mr. President, I do not wish to be stapled to this interview as reported in the Herald. I say again that what took place was this: As I emerged from the committee room I met a number of reporters. It has not been my habit to state what takes place in any executive session, although I am opposed to any kind of executive sessions. If I had my way, there would be no such thing as an executive session—the doors would be unlocked and open. I was asked by the reporters if I thought a filibuster was being conducted on the Brandeis nomination until after the conventions. The words were put to me in that way, and I said, "Yes; I think so, and I wish you would say so in your newspapers."

Mr. CUMMINS. Mr. President—

Mr. ASHURST. I yield to the Senator from Iowa.

Mr. CUMMINS. Does not the Senator know that substantially the entire session of the committee to which he refers in the interview was consumed in an argument made by a Democratic member of the committee in favor of Mr. Brandeis?

Mr. ASHURST. The Senator from Wyoming stated the truth when he said I had not been in attendance at all times upon the Judiciary Committee meetings.

Mr. CLARK of Wyoming. The Senator was present yesterday.

Mr. ASHURST. I was there yesterday, and I want to say that I have not been present because I had to attend conference meetings on the Indian appropriation bill, which have lasted a month and were only finished this morning.

Mr. CUMMINS. Then the Senator does not know what I have just stated in the form of an inquiry?

Mr. ASHURST. I can not answer that question.

Mr. CUMMINS. I am sure the Senator will be so assured by his fellow Democratic members of the committee. Does he know that three-fourths of the time that has been taken up since the nomination was reported to the full committee has been consumed by Democratic members of the committee?

Mr. ASHURST. Yes; and I deplore that. I deplore a Democratic filibuster even more than I do a Republican filibuster.

Mr. CUMMINS. The Senator from Arizona stated nothing about a Democratic filibuster.

Mr. ASHURST. No; I did not, because when I think of a filibuster I think of your party. It filibustered three months last winter to beat the ship-purchase bill, so that the Shipping Trust might get a greater advantage over the people; and when I think of a filibuster I think of Republicans.

Mr. CUMMINS. However, in this instance I should think the Senator from Arizona would want to be accurate about it.

Mr. ASHURST. Well, I do want to be; and I hope that I am reasonably accurate.

Mr. CUMMINS. Does not the Senator know that the Republican Members have been ready to vote upon this nomination since the time it came in, and have offered over and over again to take a vote upon it; and it has so happened—and it might just as well be known now—it has so happened that the Republican Members have been in attendance and some of the Democratic Members have not been in attendance, so that if a vote had been taken it would probably have resulted at any time in an unfavorable report, so far as Mr. Brandeis is concerned?

Mr. ASHURST. That is all the more to be deplored.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. In just a moment. I wish to say before I conclude, that if the Democratic President had sent in here the name of some corporation lawyer, whose life had been given up to steering corporations around the law, for instance, the former Senator from New York, I do not suppose there would be any of the simulated anger which has been manifested here because I said to a reporter of a newspaper what I thought.

Mr. WORKS. Mr. President—

Mr. SUTHERLAND. Mr. President, if the Senator from California will permit me just a moment, there is no "simulated anger" here; there is no anger at all. I for one resented what appeared to be an absolutely false statement, and one which the Senator himself now denies; that is all.

Mr. ASHURST. I deny that which the Herald has put into my mouth, and I regret it, because the Herald is usually an accurate paper. I want to put into the RECORD a clipping from the New York World, which I think very fairly states what I said. I ask that permission, Mr. President.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. The Senator from California.

Mr. WORKS. Mr. President, I am a member of the Judiciary Committee, and I think the Members of the Senate know what my views are respecting the appointment of Mr. Brandeis. I was on the subcommittee and have made a separate report, as other members of the subcommittee have done, expressing my views as clearly as I could state them. I have attended every meeting of the Judiciary Committee since that matter has been under consideration. I have not noticed any disposition on the part of any member of the committee on either side to filibuster or to prevent the committee from reaching a vote.

There are a number of charges which have been made and which were heard before the subcommittee. The evidence has been before the full committee, and some of those charges have been carefully considered and discussed by the different members of the committee. I think it is entirely proper that the committee in an important matter of this kind should do that very thing, and do it carefully and consistently, for the purpose of ascertaining whether or not this appointment should be confirmed.

There was nothing in the proceedings of the committee at the last session that anybody could criticize. One of the members of the committee reviewed carefully the evidence bearing upon one of these charges, as he had a perfect right to do. He was a Democratic member of the committee, but what difference does it make whether he was a Democratic member or a Republican member in dealing with a question of this kind, involving the appointment of a man to the Supreme Court of the United States?

I resent the effort to make it a political issue at all. It ought not to be considered in any such way. I have the most kindly feeling for the Senator from Arizona, as I think he

knows. I have not felt any resentment about it; but I am sorry that the Senator should in his zeal have permitted himself to give out a statement of this kind. Of course, he had a right to think what he pleased. No man's thinking ought to be controlled by anybody else; but I think it was unfortunate that he should have expressed his thoughts—if they are expressed in the interview—of what was going on before his own committee. I think that is a very unfortunate situation, and I am sorry.

Mr. ASHURST. Mr. President, no rebuke that the distinguished Senator from California could administer to me could make me feel resentful, because I love him too much, and he is so often right that frequently I am inclined at times to agree with him; but this is not a political contest. It is not a contest between the Democratic Party and the Republican Party; it is a contest between that great inarticulate mass of people who, if war should be declared, would give their bodies to preserve this Republic—that is the issue on one hand—and the great, grasping corporations on the other, who want kept off the bench a man who will do all men justice. So long as that is the issue I shall refuse to allow my thoughts to be imprisoned, whether I entertain them at one place or another. I repeat that I hold no brief for Mr. Brandeis. So far as politics are concerned, he may have registered as a Republican, so far as I know, and I do not care whether he is a progressive Republican or a regular Republican or what not; the only thing that I measure him by is this: Is he honest and is he capable? I do not care anything about the political exigencies. It is your party and not mine that is reaching out its hands to get hold of somebody on the bench in your desperation for a candidate; it is not my party. I ask that there be printed in the RECORD the short clipping from the New York World to which I have referred.

Mr. BRANDEGEE. Mr. President, I should like to have it read.

Mr. ASHURST. Let it be read.

Mr. BRANDEGEE. Do I understand that the clipping to which the Senator has referred represents his present view?

Mr. ASHURST. Let it be read, and then I will state.

Mr. HUGHES. It is the interview that was in the New York World.

Mr. BRANDEGEE. I understood the Senator to say that it substantially represented his views—

Mr. ASHURST. Let it be read, and I will then answer that question.

Mr. BRANDEGEE. And therefore he asked to have it inserted in the RECORD. I should like to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the article.

Mr. OVERMAN and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from North Carolina.

Mr. BRANDEGEE. I wanted to make a comment in connection with the matter which has been read, if the Senator will allow me.

Mr. SMITH of Georgia. The Senator from North Carolina desires to speak, and he is ranking member of the Judiciary Committee at present.

Mr. BRANDEGEE. I only wanted to speak in connection with the matter concerning which I have spoken; but I am willing to wait until the Senator from North Carolina concludes.

Mr. OVERMAN. Mr. President, I am sorry the Senator from Arizona has not been more regular in his attendance upon the committee. If he had been, I think he would not have made these charges. He has been detained on other business of the Senate, as it has been his duty to attend the sessions of another committee having under consideration an appropriation bill. He has always been faithful in his attendance on the committee in so far as was possible, but during the course of the discussions in the Judiciary Committee he has been present very few times.

The truth of the matter is that two Democratic Senators, members of the committee, have been absent for some weeks; and the Senator from Arizona left word that he could be sent for at any time and would be ready to attend, but he was not present in the committee all the time when the discussions were going on.

Furthermore, I think, in justice, I should say that most of the discussion has been on the part of Democratic Senators. The Senator from Montana [Mr. WALSH], as has been stated in the clipping which has been read, did take nearly all the time at the last meeting at which the charge in connection with the Lennox case was under discussion. I have seen no disposition on the part of any Republican to delay a report on the nomination; in truth, I think I have heard several of them say they

were ready to vote at any time, and I think that was the consensus of opinion of the Republicans on the committee.

Some Democrats wanted to go into this question and hear from the different members of the subcommittee in regard to three or four serious charges which have been made against Mr. Brandeis. The committee meets at half past 10 and the Senate meets at 12, when there is usually a roll call. It takes some time to examine into these charges. There are about 1,000 or more pages of testimony, and we have been going through the charges. We have now come to the Lennox matter, which took nearly all of yesterday, the time being occupied by the discussion of the Senator from Montana. After he concludes, there will be discussion on the other side. It is a matter that necessarily takes time, but I myself have never seen any disposition to delay.

Mr. SMITH of Georgia. Mr. President, I have attended each of the meetings of the Judiciary Committee when the nomination of Mr. Brandeis has been under consideration, and I do not think I have been out of the committee room five minutes when it was under consideration. With the Senator from North Carolina [Mr. OVERMAN], I regret that the Senator from Arizona [Mr. ASHURST] has been detained by his duties in connection with other committees and does not know the earnest consideration which the Judiciary Committee is giving to this nomination. He explained to us the urgency of other committee meetings that prevented his being present with the Judiciary Committee. I am sure if he had been present he would have appreciated fully what was really going on in the committee. He did not appreciate it, having been absent so much of the time.

Mr. ASHURST. That is the trouble with me. I do know what is going on in the committee.

Mr. SMITH of Georgia. Mr. President, I repeat that I regret the Senator did not know what was going on. He misunderstood what was going on, or he would not have made the statement which he has made.

Now, I state that there has been no filibustering by anybody in that committee. Most of the time has been taken up by the Democrats, and there never has been a time when Mr. Brandeis could have obtained a favorable report from those present at a committee meeting. He may yet obtain it. Most of the time the Republicans have been in the majority; only once or twice have we had a majority of Democrats present. The Senator from Missouri [Mr. REED] is detained at home sick. The Senator from Tennessee [Mr. SHIELDS] is detained by sickness in east Tennessee. I say frankly for myself that there never has been a time that I have been ready to vote for a report favorable to Mr. Brandeis. I have voted to postpone the consideration of the nomination because I have not reached a conclusion, and I wanted a further investigation and more information.

Mr. BRANDEGEE. Mr. President, the Senator from Arizona [Mr. ASHURST] has put into the RECORD an article from a newspaper which states that the Republican members of the Judiciary Committee are filibustering against taking a vote on the nomination of a justice of the Supreme Court of the United States, and he has given it out to the press of the country.

Mr. President, I have attended every meeting of that committee in which that nomination has been considered. There has been no time when the Republicans have made the slightest attempt to hinder coming to a vote. I myself the other day, when the debate seemed to languish, suggested that if nobody else cared to be heard, it was the duty of the Chair to order the roll to be called, whereupon some Senator commenced to discuss the case.

It does seem to me that the Senator from Arizona, having caused this article to be published all over the country, making a partisan charge, charging all the Republicans of the committee with an attempt to filibuster upon this nomination until after certain political conventions have been held, either ought to prove his charge or to withdraw it. I do not think myself that he ought to leave it in the RECORD, reasserting it by putting it in the RECORD, after he has heard the disclaimers of the Republican Members.

Mr. ASHURST. Mr. President, I think the Senator is right. I ought to withdraw it after the disclaimer, because whatever I may have thought then, or whatever I may think now—and I repeat, nobody can imprison my thoughts, or censor what I say—I think there is force in the Senator's statement that Senators having disclaimed it, having asserted that they are not filibustering, I ask to withdraw that statement.

Mr. SMITH of Georgia. That is fine.

Mr. ASHURST. I will ask to withdraw that statement upon their disclaimer, because while there has been some little heat manifested, although political ties sever us and this aisle

divides us, I know that you are all gentlemen. In view of the disclaimer, I ask leave to withdraw that statement.

Mr. OWEN. Mr. President, I just want to say a word for the Record, and that is that the nomination of Mr. Brandeis has been pending for about three months.

Mr. KERN. Three months to-day.

Mr. OWEN. And there apparently has been a concerted assault upon Mr. Brandeis, through various corporations of the country, who have falsely charged him with all kinds of things. He has been subjected to the most vicious and unjust assault ever brought against a nominee for a judgeship, and the fact that the members of the committee of the Republican persuasion appear to be unanimously disposed against him and to have approved these assaults and given the attacks such hospitable reception, even if not intentional encouragement, has probably caused this sentiment which led the Senator from Arizona to believe there was a Republican filibuster being unostentatiously engineered in committee. Certainly there has been a most ungenerous, unfair fight made against this man, who is distinguished by his learning and courage and his obvious desire to see justice done the common people by incorporated wealth. I am glad to see the Republican members of the Judiciary Committee now expressly deny any purpose of intentional delay and hope we may soon have a report.

RURAL CREDITS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. LEWIS. Mr. President, unless some other Senator desires to address himself to this particular subject, I desire to say that it was in the midst of my paragraph, just as I was concluding an illuminating lucubration upon this subject of constitutional farm-loan credits, that these eminent antagonists introduced their acerbity, which I desire now to attempt to mollify, through concluding my paragraph with the softening influence of the law.

I ask the Senator from Utah [Mr. SUTHERLAND] if he will not observe the concluding paragraph of this opinion in Eighteenth Wallace in order that the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Colorado [Mr. THOMAS] may observe that the effect of the Ninth Wallace opinion has been seriously qualified by these last observations.

In Eighteenth Wallace the court, on page 34, says:

It is, however, insisted that the case of Thompson v. The Union Pacific Railroad Co. differs from the case we have now in hand in the fact that it was incorporated by the Territorial legislature and the Legislature of the State of Kansas, while these complainants were incorporated by Congress.

And so forth, and so forth.

Then says the court, concluding:

It is therefore manifest—

Referring to all these rulings, and particularly the one the able Senator most appropriately introduced—

It is therefore manifest that exemption of Federal agencies from State taxation is dependent not upon the nature of the agents, or upon the mode of their constitution, or upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in truth deprive them of power to serve the Government as they were intended to serve it or does hinder the efficient exercise of their power. A tax upon their property has no such necessary effect. It leaves them free to discharge the duties they have undertaken to perform.

I merely read this paragraph to the able Senator to see if he concludes with me that the later rulings clearly indicate that the test of whether these exemptions are legal or not is not whether they appear in letter to conflict with some provision of the Federal Constitution, but what would be the effect of the operation, which is to be derived from the facts of the case, and arrived at by the method of the operation of the tax rather than by a mere comparison of the verbiage of the statute clause on the one hand and a constitutional clause on the other.

I thank the Senator for allowing me to take this time.

STEAMER "NORMANIA."

Mr. POMERENE. Mr. President, I have a private bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel*, which was reported yesterday, and is now on the calendar. There seems to be some special reason why its passage should be desired, and I ask unanimous consent that it may be placed upon its passage.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Ottawa Transit Co., of Mentor, Lake County, Ohio, to change the name of the steamer *Normania*, official No. 205017, to the *William F. Stifel*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOLLIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m., Friday, April 28, 1916) the Senate adjourned until tomorrow, Saturday, April 29, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 28, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we find ourselves involved in a moral order the laws of which are as inexorable as the physical laws which environ us, and we realize the weaknesses, the foibles, and the infirmities of human nature. Impart unto us, therefore, we beseech Thee, strength to resist wrong, power to overcome the temptations which doth so easily beset us, that we may adjust ourselves to that order and thus prove ourselves worthy of the trust Thou hast reposed in us. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY OF EMPLOYEES AND TRAVELERS ON RAILROADS.

Mr. DEWALT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider at this time the bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, and that a similar House bill (H. R. 9132) lie on the table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 3769, and consider the same at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not less than \$100 nor more than \$500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorney information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains."

SEC. 2. That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar bill, H. R. 9132, on the House Calendar will lie on the table.

There was no objection.

On motion of Mr. DEWALT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAKER, for the day, on account of sickness.

To Mr. PRICE, indefinitely, on account of important business.

To Mr. CONRY, for three days, on account of illness.

INCREASING CORPS OF CADETS AT WEST POINT.

Mr. DENT. Mr. Speaker, I call up the conference report on the bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy, and move its adoption.

The SPEAKER. The gentleman from Alabama calls up a conference report on the Military Academy bill, increasing the number of cadets, which the Clerk will report.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, I think the report is more illuminating than the statement, and I object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 611).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officer of the Regular Army to such institutions, and which institutions are designated as 'honor schools' upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department"; and the House agree to the same.

Amendment numbered 5: That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "in number as nearly equal as practicable"; and the House agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," make the following statement:

House amendment No. 1 strikes out the word "sixty" and inserts "eighty," and the Senate recedes.

House amendment No. 3 strikes out and inserts the same words, and the Senate recedes.

House amendment No. 4 inserts the words "congressional or" on page 1, line 10, and the Senate recedes.

House amendment No. 6 strikes out the words "two hundred" and inserts the words "one hundred and eighty," and the Senate recedes.

House amendment No. 2 was an amendment providing for appointment from honor schools of certain graduates of those schools; the House receded with an amendment changing the verbiage, but not the substance of the House amendment.

House amendment No. 5 read as follows: "In as near equal proportion as possible," and the House receded with the following amendment: "In number as nearly equal as practicable."

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, I desire to ask the gentleman from Alabama a question. What will be the entire quota of cadets at the Military Academy at one time when the full maximum is reached under this bill?

Mr. DENT. Somewhere in the neighborhood of 1,300. My figures make the number 1,332, but I would not say that I was absolutely accurate about that.

Mr. STAFFORD. When will that maximum be attained?

Mr. DENT. I can not answer that question.

Mr. STAFFORD. It may take four years, at least?

Mr. DENT. Oh, yes.

Mr. STAFFORD. What capacity has the Academy at present, as far as buildings are concerned?

Mr. DENT. My recollection is that they can support about 1,200 there now, with the estimates made for the ensuing fiscal year to accommodate them. These estimates are as follows:

Estimate of cost to make the United States Military Academy able to accommodate 1,200 cadets.

| | |
|--|----------|
| Ordinance and quartermaster equipment..... | \$56,932 |
| Changes in camp grounds..... | 41,000 |
| Changes in academic buildings and additional furniture..... | 42,000 |
| Changes in mess hall and new mess-hall furniture..... | 9,663 |
| Changes in barracks..... | 2,000 |
| For temporary construction for cantonment barracks, hospitals, and other temporary structures..... | 108,405 |

Total (\$41,662.70 already estimated for, House Doc. 432)..... 260,000

Mr. STAFFORD. So that it will not require any additional buildings in the near future to provide for this additional quota?

Mr. DENT. It will require some changes but not to any great extent.

Mr. STAFFORD. There is one question further, which was not in dispute between the two bodies; but I can not understand why it is that these appointees of the President from the National Guards are restricted, so far as age is concerned, to be between the ages of 19 and 20, when other cadets are eligible for appointment between the ages of 17 and 22.

Mr. DENT. Mr. Speaker, I will confess to the gentleman that I do not know myself why the Senate adopted that provision. I suppose it was in order to get men of some experience, but it was in the Senate bill as it originally passed, and I was not present in the Committee on Military Affairs when that feature of the bill was discussed. I do not know that that was brought up in the Military Committee of the House at all. I confess that I do not see any real good reason for it.

Mr. STAFFORD. The gentleman can see that it is of very little value to the National Guard to give them the privilege of appointment, if limited to age between 19 and 20 years. If they had the same privilege as to age as appointees to the academy generally—from 17 to 22—it might permit an eligible roll that could be considered for appointment from the National Guard.

Mr. DENT. The gentleman was present when this bill was passed, under suspension of the rules, the other day, was he not?

Mr. STAFFORD. I may have been temporarily absent.

Mr. DENT. I am sorry the gentleman did not call attention to that feature at that time when it might have been changed.

Mr. STAFFORD. I thought perhaps there was some good reason why the committee did not take action upon it.

Mr. FESS. Mr. Chairman, if the gentleman will yield, I think the reason that was attributed was that those appointed for the academy not in the National Guard are usually in either high schools or academies preparing, and have not yet entered the National Guard. The National Guard could receive them that early, but usually does not, and if you did not extend the minimum age, so far as the National Guard is concerned, you would not get as good a choice.

Mr. DENT. That sounds like a very plausible reason.

Mr. COX. Section 4, I believe it was, that was stricken out in the House the day the bill passed the House is eliminated?

Mr. DENT. That is eliminated.

Mr. FESS. Will the gentleman yield again?

Mr. DENT. Yes.

Mr. FESS. The question came to me as to why we did not make the full apportionment at once. Is that due to the fact that they are not prepared?

Mr. DENT. Not absolutely prepared.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DENT. Yes.

Mr. HUDDLESTON. I would like to ask what is the total increase provided for in this bill?

Mr. DENT. It practically doubles the capacity.

Mr. HUDDLESTON. And by whom are these cadets, whose increase is provided for in this bill, named?

Mr. DENT. They are named by the President, just as they are at the present time.

Mr. HUDDLESTON. They are named now, are they not, on nomination by Representatives?

Mr. DENT. That is a custom that the War Department has indulged in for many years, but the law authorizes the appointment to be made by the President, and this does not change the law in any respect whatever.

Mr. HUDDLESTON. Has the gentleman information as to whether that custom will be retained?

Mr. DENT. I am sure it will be.

Mr. HUDDLESTON. And these added nominations will be made—

Mr. DENT. By the Members of the House and the Senate, just as they have been heretofore.

Mr. ADAMSON. I simply wanted to suggest to my distinguished friend from Alabama, as to the question raised by my friend from Wisconsin [Mr. STAFFORD], that the action of the House took that matter out of issue between the two Houses.

Mr. DENT. It certainly did.

Now, Mr. Speaker, unless some other gentleman desires to discuss this subject, I move the adoption—

Mr. CANNON. I want to ask the gentleman a question. I have not been able to hear up to this time. When is a Member of Congress entitled to nominate a candidate or recommend him?

Mr. DENT. Under this additional appointment?

Mr. CANNON. Yes.

Mr. DENT. That would be a matter that would have to be worked out by the War Department. When we increased the midshipmen at Annapolis we were authorized by the department to make the appointment, and my recollection is that we were given only about six weeks in which to have our young men who were nominated prepare for the examination. But we were told that we might wait until the next year in order to fill a vacancy, and I presume that the War Department will follow the same course.

Mr. CANNON. Well, there will be one nomination to each Representative this year?

Mr. DENT. One additional nomination.

Mr. CANNON. One additional nomination?

Mr. DENT. Yes, sir. It will be left to the War Department to work out the details.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ALFRED NOBLE MEMORIAL FOUNTAIN.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for three minutes on the constitutional amendment granting suffrage to women.

The SPEAKER. The Chair will recognize the gentleman in a moment. The Chair promised to recognize the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I move to take from the Speaker's table Senate joint resolution 63 and put it on its passage.

The SPEAKER. Is there objection to the request of the gentleman?

Mr. CANNON. We want to know what it is.

The SPEAKER. The Chair could not understand the gentleman.

Mr. MANN. Let us have it reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution 63, authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial fountain to Alfred Noble.

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the American Society of Civil Engineers for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial fountain to Alfred Noble, a civil engineer of distinguished ability in connection with Government work, whose services have been of conspicuous benefit to the country: Provided, That the site chosen and the design of the memorial fountain shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial fountain: Provided further, That if the erection of this memorial fountain shall not be begun within three years from and after the passage of this resolution the permission granted may, in the discretion of the Chief of Engineers, be revoked at any time.

Mr. BORLAND. Mr. Speaker, reserving the right to object, I wanted to ask the gentleman a question.

Mr. SLAYDEN. The gentleman will state it.

Mr. BORLAND. This resolution contemplates that this memorial fountain will be erected by the American Society of Civil Engineers, without any appropriation?

Mr. SLAYDEN. Yes; at their own expense.

Mr. BORLAND. Without any appropriation on the part of Congress, and the only request made is that we furnish the site on public ground. Now, that is true up to that point?

Mr. SLAYDEN. Yes.

Mr. BORLAND. But the memorial being a fountain, which requires continuous operation—a fountain, of course, must be supplied with water from some source or it is not a fountain—I assume that either the District government or the National Government is going to supply the expense of running that fountain. Is that true?

Mr. SLAYDEN. I presume that is true.

Mr. BORLAND. The gentleman recalls the fountain down here at the Station Plaza is now in dispute between the District and the Federal Government as to which Government ought to furnish the water. Is there any provision about this in the resolution?

Mr. SLAYDEN. Mr. Speaker, I confess that that contingency has never crossed my mind. I had an idea that the water just flowed. [Laughter.]

Mr. BORLAND. It is unfortunately true that even when people give us something, we have to pay a little something to keep it.

Mr. MANN. May I ask the gentleman if he can give us any idea where it is probable that this fountain will be located?

Mr. SLAYDEN. Mr. Speaker, I will say in reply to the gentleman from Illinois that my information is that while they have not been officially requested to consider the matter, the Commission on Fine Arts, at a late session in this city, did consider it, and did examine the various possible sites, with a view to determining some place where this fountain could be put in harmony with the general landscaping and parking schemes of the city of Washington. They had in view a site that would in no way interfere with the beautification and development of Washington along that line; and they have reached the conclusion again, if I have been correctly informed, that it would be well to place it down somewhere near Continental Hall, the building of the Daughters of the American Revolution, somewhere in the rear of it.

Mr. MANN. In Potomac Park?

Mr. SLAYDEN. Is there a place called McPherson Park down there?

Mr. STAFFORD. McPherson Square is at Fifteenth and K Streets.

Mr. SLAYDEN. It is not that. Is there one called Rawlins Park down there? I know where the Rawlins Statue is, but it is not there. My recollection now is that it is in Rawlins Place or Park.

Mr. MANN. In that connection I would like to ask the gentleman a question. The resolution refers to a memorial fountain. Is it to be really a fountain, or some form of statue such as those with which we are now somewhat overburdened in the District of Columbia?

Mr. SLAYDEN. Mr. Speaker, it gives me great pleasure to tell the gentleman that I have been assured that it will be a fountain. It will be a real fountain, not a statue such as those, with which the District of Columbia is overburdened. There is a superabundance of ornaments of that kind already, if they are indeed ornaments. This is to be a fountain and a work of art.

When the matter was first brought to my attention the gentleman having it in charge did contemplate a different sort of memorial, but I told them I would not be in favor of it unless it took the form of a fountain. We have comparatively few fountains. I told them I was against any more statues and they assured me that they were glad to adopt the suggestion of a fountain, and I wrote the word into the bill myself. But the Senate adopted their measure before we got the resolution reported over here, a few days before.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MADDEN. Are we to construe the gentleman's statement to the effect that he is opposed to any more statues as indicating that he is opposed to the statue proposed to be erected to Ericsson?

Mr. SLAYDEN. I am speaking only in general terms. In fact, the city of Washington is beginning to look somewhat like a petrified forest, owing to the superabundance of statues of bronze and marble intruding themselves on the vision of the people all the time. Some of them are memorials to men whose march toward oblivion no statue can arrest. Altogether too

many statues are erected, and the appearance of Washington will be ruined if we do not forbid it on so prodigal a scale.

Mr. MADDEN. I was interested in the matter with special reference to the statue of Ericsson.

Mr. SLAYDEN. I am only one-fifth of the Committee on the Library, anyway, I may say to the gentleman.

Mr. MADDEN. The gentleman is more than one-fifth.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. With pleasure.

Mr. CANNON. The statue of Gen. Rawlins stood just a little to the west of the Corcoran Art Gallery—a little west of where that gallery is now located—but the statue was moved up to the park in front of the Center Market house. This fountain is to be practically on the site where the Rawlins Statue stood before it was removed.

Mr. SLAYDEN. My information is that that is the place where the Commission on Fine Arts tentatively planned to locate it.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. HUDDLESTON. Does not the gentleman from Texas think we should leave part of the city of Washington open for the benefit of posterity, so that the people of the future may be accommodated?

Mr. SLAYDEN. I agree with the gentleman in a general way, and I should adhere rigidly to that rule unless this memorial had taken a form of art in which we are now very deficient.

Mr. HUDDLESTON. Would it not be better to make a recommendation to carry out some of this "junk" that we have here, and put that and other works in place of it, if it is real art? Would it not be good, as a precedent, to put up a statue that has real value as an art object?

Mr. SLAYDEN. I think the gentleman's suggestion is valuable, and I hope he will introduce a resolution to remove a large part of what he has denominated "junk."

Mr. HUDDLESTON. Mr. Speaker, I object to the consideration of the bill.

Mr. SLAYDEN. I move, Mr. Speaker, that the resolution be taken from the Speaker's table.

Mr. MANN. The gentleman could make a motion. There is a similar resolution on the House Calendar.

Mr. SLAYDEN. That is what I thought. I move to take it up, Mr. Speaker.

The SPEAKER. You do not have to make the motion. Just ask the Speaker to submit it to the House.

Mr. SLAYDEN. Very well.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, House joint resolution 88, of the same tenor, is laid on the table.

There was no objection.

WOMAN SUFFRAGE.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to address the House for three minutes on the constitutional amendment—the Susan B. Anthony amendment, so called. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, Wyoming is the original woman-suffrage State of the Union. The women of Wyoming have voted for all the elective officers in that Commonwealth, State and Territory, for 46 years. Their participation in the affairs of government has been highly helpful and beneficial, and has the approval and hearty and unanimous support of all of our people.

Naturally our people are greatly interested in the resolution now pending before the Committee on the Judiciary, proposing a constitutional amendment granting suffrage to women throughout the Union.

As a part of my remarks I desire to have the Clerk read a resolution adopted by the Woman's committee of Albany County, Wyo., on the subject of that amendment.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Resolution.

LARAMIE, WYO., March 28, 1916.

Resolved, That this meeting, the Albany County Branch of the Congressional Union, at Laramie, Wyo., March 28, 1916, calls upon the members of the Judiciary Committee to report immediately and favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives, and also that it be sent to each Member of the congressional delegation of Wy-

oming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

ALBANY COUNTY COMMITTEE,

Mrs. M. C. BROWN,

Chairman, Member School Board.

Mrs. W. S. INGHAM,

Professor Political Economy, University of Wyoming.

Dr. GRACE RAYMOND HEARD,

Mrs. ETNA BOACH,

Mrs. C. L. PATCHELL,

Mrs. MAY BAIRD CAMPBELL,

Mrs. FRANK D. SPAFFORD,

Mrs. C. A. DUNIWAY,

Chairman Resolution Committee.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the Record a similar resolution adopted by the women of Laramie County, Wyo., at the meeting held in Cheyenne April 15, to welcome the envoys from the nonsuffrage States.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The resolution is as follows:

Resolution.

CHEYENNE, WYO., April 15, 1916.

Resolved, That this meeting for the envoys from the nonsuffrage States, at Cheyenne, Wyo., April 15, 1916, calls upon the members of the Judiciary Committee to reconsider and report favorably to the House of Representatives the Sutherland-Mondell resolution; be it further

Resolved, That a copy of this resolution be sent to each member of the Judiciary Committee of the House of Representatives and also that it be sent to each Member of the congressional delegation of Wyoming, and that it be read into the CONGRESSIONAL RECORD by Representative FRANK W. MONDELL, of the House, and Senator FRANCIS E. WARREN, of the Senate.

Mrs. R. A. MORTON, Chairman.

This resolution was seconded by Judge W. S. Metz, of Sheridan, Wyo., Democratic floor leader of the Wyoming Legislature of 1915.

AGRICULTURAL LEGISLATION.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 219, respectfully reports the same to the House with the recommendation that it do pass.

House resolution 219 (H. Rept. 612).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12717, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and in such further consideration it shall be in order to offer and consider as amendments thereto (the general rules of the House notwithstanding) the following:

Mr. HARRISON. Mr. Speaker, this resolution which is now being read, with the exception of the latter part, on pages 44 and 45, contains certain bills which were printed in the Record yesterday, being offered as amendments to the Agricultural bill. I ask unanimous consent that those parts which have already been printed in the Record be not read, that the reading be dispensed with.

Mr. MANN. I have no objection to the Clerk reading them very rapidly, but I think that, theoretically at least, they ought to be read.

The SPEAKER. The gentleman objects. The Clerk will read.

The Clerk read as follows:

AMENDMENT No. 1.

Part A.

That this part, to be known as the United States cotton futures act, be, and hereby is, enacted to read and be effective hereafter as follows: "That this act shall be known by the short title of the 'United States cotton futures act.'"

"Sec. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

"Sec. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

"Sec. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing, plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed

by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall for the purposes of this act be deemed to weigh 500 pounds.

"Sec. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

"First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

"Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, and no other grade or grades.

"Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract.

"Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

"Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'Subject to United States cotton-futures act, section 5.'

"The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

"Sec. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section five, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

"Sec. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

"Sec. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect

accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

"Sec. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the 'Official cotton standards of the United States,' and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

"Sec. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

"First. Conform to the rules and regulations made pursuant to this act.

"Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be brought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

"Third. Provide that cotton of or within the grade or of the type, or according to the sample or description specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

"Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of 'set-off' or 'ring' settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

"The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words 'Subject to United States cotton-futures act, section 10.'

"This act shall not be construed to impose a tax on any sale of spot cotton.

"This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

"Sec. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery, in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction, and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

"This act shall not be construed to lay any tax on cotton exported from any State.

"SEC. 11A. That upon each order received in the United States which shall have been, directly or indirectly, transmitted, or directed or authorized to be transmitted, by any person, from a foreign country in which there is any exchange, board of trade, or similar institution or place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

"SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11A of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

"SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in sections 11 and 11A of this act, shall be enforceable in any court of the United States by or on behalf of any party to such contract, or his privies, unless it conforms to the requirements of section 4 hereof, and the tax imposed by section 11 or 11A upon the order for such contract shall have been paid in compliance with section 12 of this act.

"SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11A of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended, and made to apply, to this act.

"SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade, the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

"SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of \$2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

"SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

"SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

"SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for 'collecting the cotton-futures tax,' or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

"SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of \$150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year ending June 30, 1916, the unexpended balance of the sum of \$75,000 appropriated for the 'Enforcement of the United States cotton-futures act' by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11A of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 3 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

"SEC. 22. That the act entitled 'An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes,' approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to, or arising out of, any contract mentioned in section 3 of said act, made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

"SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

AMENDMENT No. 2.

Part B.

That this part, to be known as the United States grain-grades act, be and is hereby enacted, to read and be effective hereafter as follows: "That this act shall be known by the short title of the 'United States grain-grades act.'"

"SEC. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish, as soon as may be after the enactment hereof, standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"SEC. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"SEC. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"SEC. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"SEC. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"SEC. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"SEC. 8. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"SEC. 9. That any person who shall violate any of the provisions of sections 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or be imprisoned not more than one year, or both.

"SEC. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or both.

"SEC. 11. That the word 'person' wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"SEC. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

AMENDMENT No. 3.

Part C.

That this part, to be known as the United States warehouse act, be, and is hereby, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of 'United States warehouse act.'

"SEC. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. The term 'agricultural product' wherever used in

this act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them. As used in this act, 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products; and 'receipt' means a warehouse receipt.

"SEC. 3. That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products; to classify warehouses in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this act; and to prescribe, within the limitations of this act, the duties of the warehousemen conducting warehouses licensed under this act with respect to their care of and responsibility for agricultural products stored therein.

"SEC. 4. That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

"SEC. 5. That each license under sections 4 and 9 of this act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination.

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond other than personal security to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

"SEC. 7. That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 6 or 9, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

"SEC. 9. That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder.

"SEC. 10. That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding \$2 per annum for each license or renewal thereof issued to a warehouseman under this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products stored or to be stored in a warehouse licensed under this act, according to grade or otherwise, and to certificate the grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

"SEC. 12. That any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"Sec. 13. That every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

"Sec. 14. That any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

"Sec. 15. That grain, flaxseed, or any other fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act.

"Sec. 16. That every warehouseman conducting a warehouse licensed under this act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades.

"Sec. 17. That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

"Sec. 18. That every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made; *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law; *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien; *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent; *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

"Sec. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined; *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate.

"Sec. 20. That while an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States; *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

"Sec. 21. That a warehouseman conducting a warehouse licensed under this act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman.

"Sec. 22. That a warehouseman conducting a warehouse licensed under this act shall cancel each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued.

"Sec. 23. That every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

"Sec. 24. That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the Secretary may publish his findings.

"Sec. 25. That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"Sec. 26. That the Secretary of Agriculture from time to time may publish the results of any investigations made under section 3 of this act; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and lists of all licenses terminated under this act and the causes thereof.

"Sec. 27. That the Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this act and of the warehousemen conducting such warehouses relating thereto.

"Sec. 28. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"Sec. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States.

"Sec. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned not more than six months, or both, in the discretion of the court.

"Sec. 31. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expenses of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this act, and out of the moneys appropriated by this act to pay the salaries and expenses thereof.

"Sec. 32. That if any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"Sec. 33. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And amendments Nos. 1, 2, and 3 shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments Nos. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. HARRISON. Mr. Speaker, the majority and minority members of the Committee on Rules agreed that 40 minutes on a side would be satisfactory. I desire to submit a request for unanimous consent—

Mr. MADDEN. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. MADDEN. I suppose that was on account of the insignificance of the amendments that are to be offered.

Mr. HARRISON. It was because of the liberal length of time that the rule allows for the discussion of the amendments themselves. [Laughter.]

Mr. MADDEN. I thought it was on account of their insignificance.

Mr. HARRISON. I ask unanimous consent that debate on this resolution be limited to 80 minutes, 40 minutes to be con-

trolled by the gentleman from Kansas [Mr. CAMPBELL] and 40 minutes to be controlled by myself.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the debate on this rule be confined to 80 minutes, 40 minutes to be controlled by himself and 40 minutes by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, the Clerk read the resolution so rapidly that I was unable to follow him. [Laughter.] I want to ask the gentleman from Mississippi, before unanimous consent is given, just what it was that we had printed in the Record this morning?

Mr. HARRISON. The bills that were offered yesterday as amendments to the agricultural bill.

Mr. MOORE of Pennsylvania. I was trying to follow the Clerk, and did follow him quite a while, but what he read does not correspond with what is in the Record this morning. I want some explanation.

Mr. HARRISON. The gentleman must have gone to sleep while the Clerk was reading. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman was very wide awake while the Clerk was reading, and he was very lenient with the Clerk and the House in not insisting on the actual reading of every word. But what is it we have in the Record this morning? Are amendment No. 1 and the other amendments merely amendments to a bill the Clerk was reading? Is that the idea?

Mr. HARRISON. I was not paying attention to the Clerk, but I assume that he read the amendments as they are stated in the rule. [Laughter.]

Mr. MOORE of Pennsylvania. I observe the gentleman was asleep; but I am asking seriously, because I am interested in this bill.

Mr. HARRISON. This resolution embraces the three amendments that were offered by the chairman of the Committee on Agriculture yesterday that went out on points of order. One related to cotton futures, another to the standardization of grains, and the third to the warehouse bill.

Mr. MOORE of Pennsylvania. I understand that.

Mr. HARRISON. And they are printed in the Record.

Mr. MOORE of Pennsylvania. And what was printed in the Record was not the cotton-futures bill, but the amendments thereto; is that correct?

Mr. HARRISON. What was printed in the Record is the cotton-futures bill, which the gentleman will have an opportunity to vote for presently.

Mr. MOORE of Pennsylvania. The Clerk referred to section 32, section 33, and so forth. What I want to find out is whether those sections 32 and 33, which I do not find printed in the Record this morning, are a part of the original bill?

Mr. HARRISON. They are in the Record.

Mr. STAFFORD. I desire to call attention to the fact that they are in the Record, on page 7904, second column.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. HARRISON]?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 40 minutes.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that at the expiration of 80 minutes the previous question shall be considered as ordered on the resolution.

Mr. CAMPBELL. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Kansas objects.

Mr. HARRISON. I yield five minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Speaker and gentlemen of the House, what we want in this Congress is legislation. What we are seeking to get by this rule is legislation, and what we hope to secure through the adoption of this rule is legislation upon three of the most important measures that will come before this House during this Congress.

One of these measures—the cotton-futures act—was passed by the last Congress. It passed by a large vote not only the House but the Senate, and became a law, but was knocked out by a decision of a district court upon a mere technicality. The purpose here is to reenact that legislation.

The second amendment is what is known as the grain-grading act. That, too, passed in this House in the last Congress. It was known then as the Moss bill. In this House it was passed under suspension of the rules, and there were only 17 votes against it.

In this country of ours there is raised annually grain to the amount of \$3,500,000,000. The passage of the grain grades act will benefit the farmers from one end of the country to the other. This measure is indorsed by the farmers' organizations,

by the grain men, by the millers, and, in brief, by everybody interested in grain, from the producer to the consumer. The third measure also passed the House during the last Congress and is what is known as the warehouse bill. Each and every one of these measures is for the benefit of the American farmer. We are endeavoring to secure legislation in the interest of the agricultural people of this great country.

The best way to get it is to bring it before the House in connection with the Agricultural appropriation bill and to provide this rule, which is not an unfair rule, but which gives to every man on the floor of the House the opportunity to offer amendments to each one of these measures. It provides for an hour's debate for the cotton-futures amendment, it provides one and a half hours for the grain-grades amendment, and one and a half hours for the warehouse bill. It gives to Members of the House the opportunity to offer as many amendments as they may desire. It provides for full and fair consideration of each of these measures, brought in here in connection with the Agricultural appropriation bill for the purpose of getting certain desired legislation which will be for the benefit of the farming communities throughout the length and breadth of the land.

I sincerely trust that there will be but little if any opposition to this rule. Men may make the mere technical objection that we are legislating by rule, but I do not care as long as we get the legislation. It matters not to me whether it be done by rule or in some other way, provided, of course, the rule is a fair one, and gives opportunity for debate and amendment. In this House at this time, with the congestion of legislation which we have before us, the only way to secure legislation upon these important measures is to adopt this rule and bring up for consideration these measures in connection with the Agricultural appropriation bill. It can be done, and every man will be given a fair opportunity. I trust that there will be little if any opposition to the adoption of the rule and to the passage of these amendments as they come up for consideration. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, the gentleman from Missouri [Mr. RUBEY] has stated that this rule makes in order on an appropriation bill three very important matters of legislation. That is not all this rule does, Mr. Speaker; it inaugurates a complete revolution in the legislative procedure of the House. It does more than that; it is a confession on the part of a majority of this House that they do not know how to get a measure through the House except by attaching it to an appropriation bill as a rider.

There is no question about the importance of the legislation proposed. All the more reason that the bill should be considered on its merits in the usual way that legislation is considered in the House of Representatives. If these matters of legislation were relatively unimportant it would not be so serious a matter to adopt a rule making them in order as amendments and riders on appropriation bills. But they are important legislation, each of them. Each of these three bills should engage the attention of this House in Committee of the Whole under the five-minute rule in order to be voted on as they are discussed, to be reported in the regular way to the House, with an opportunity to make a motion to recommit to the Committee of the Whole or to the Committee on Agriculture. All this procedure is denied by the adoption of this rule.

The gentleman from Missouri has stated that these measures have heretofore passed the House of Representatives. If so, why not pass them again in the House of Representatives, not as a rider on an appropriation bill but upon the merits of the measure? Mr. Speaker, the House of Representatives for years has contended with another body against attaching irrelevant amendments to appropriation bills. Hereafter, if this resolution is agreed to, the Senate is invited to attach anything that it wishes to appropriation bills; any Senator may rise in his place and offer as an amendment to an appropriation bill any bill that has been introduced in the Senate, that is under consideration by any committee of the Senate, have it adopted, and the House conferees, if this resolution is agreed to, will be estopped from denying the Senate the right to have that legislation enacted in that way.

Mr. RUBEY. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. RUBEY. Is it not a fact that the Senate rules are far more liberal than our rules in regard to amendments on appropriation bills?

Mr. CAMPBELL. The practice of the Senate does admit of offering amendments to appropriation bills. As one of the conferees on a bill I have been contending with the Senate for weeks over a matter now under consideration by another committee in

this House. The matter was put on the appropriation bill to which I refer while under consideration in the Senate by another committee. If we are to ignore the ordinary rules of the House, the Committee on Rules becomes the great legislative committee of the House. As a member of that committee I do not invite, I do not encourage, and I protest against that authority being exercised by the Committee on Rules or that duty being imposed upon it. The Committee on Rules this morning, after a hasty consideration of less than 30 minutes, reported out three bills for the consideration of this House to be enacted into law before the House adjourns to-night.

Is it any wonder that one of these bills was declared unconstitutional by a nisi prius court recently, having been hastily and inconsiderately passed in another Congress as it now proposes to pass these bills. If this method of legislation is a sample of the capacity of the House under Democratic leadership, the country should know just what your measure is, what your capacity is for legislating, what your ability is to conduct the great business of this country.

You aided a short time ago in a revolution in this House because of the way in which important legislation was enacted. The method you are inaugurating to-day makes the methods that were then employed highly commendatory to the country. The gentleman from Missouri stated in opening this debate that what the country wanted was legislation, and they were not particular about the manner in which that legislation was enacted. The revolution in 1910 in this House was because of the methods by which legislation was enacted rather than because of the nature of the legislation that was enacted.

Mr. Speaker, I reserve the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I am surprised to find western Republicans giving opposition to this measure. The gentleman from Kansas [Mr. CAMPBELL], a member of the Committee on Rules, has opened the argument opposing this method of securing this legislation for the farmers of the country. All three of these measures provided for in the rule have passed this House before and failed in the Senate. It is necessary to enact them again. In two instances the bills passed the House, and in the other instance the question of the constitutionality of the cotton-futures law is pending in the Supreme Court, on the ground that the bill originated in the Senate when it should have originated in the House; and in order to have no question about it and not to wait until the court shall pass upon it it is necessary that a cotton-futures act be reenacted, and we propose to amend it in some particulars and try to improve it. Gentlemen, the whole South is interested in that bill. A billion-dollar product is at stake and a large portion of it is handled on the exchanges of the United States. Surely you do not want to deny us the opportunity of having these exchanges regulated by law. One of the other measures is advocated by the gentleman from Missouri [Mr. RUBEY], and it is in the interest of the grain growers of the West. It establishes honest grain standards. He comes here and asks you to vote for a bill that will give the grain growers a fair deal.

Mr. ANDERSON rose.

Mr. HEFLIN. I have not the time to yield. The other proposition is in the interest of the farmers of both the North and the South, the warehouse proposition; and, gentlemen, you come here to-day, when we are begging you to give us speedy legislation for the farmers, and you are fighting a rule that will give it to them. [Applause.] The farmers of the South, the farmers of the North, want this legislation. This House, a body fresh from the people every two years, has twice enacted these measures with regard to the warehouse and the grain law, and the cotton-futures act is already a law, and we want to improve it by amendment and reenact it; and here you are, you old stand-pat Republicans, true to your record of service to special interest, fighting anything in the interest of the mass of the American people. [Applause.]

Mr. COADY. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I have not the time to yield. That is what we see. It looks to me that you would profit by your experience in the past. We whittled you down to a minority, and if you keep up this sort of performance we will have 50 more from that side added to this after the November election. [Applause.] Those who put you up to make a fight on the floor of this House against measures like these are getting you in an ugly predicament. Do not let them impose on you in this fashion any more. It is dangerous, gentlemen. You are going to be winged and crippled worse than you are now in the fall campaign if you keep it up. [Laughter.] Do not let them lead you into that sort of a performance any more. These measures are meritorious. Let us put them on the Agricultural

appropriation bill and pass them to-day. Gentlemen say, let us try them out in the regular fashion, and yet you stand here and filibuster and you will continue to filibuster to the end of this session. You can not fool the people. You have the opportunity now to vote for these measures. Are you in favor of giving the farmers of the West and South the benefit of the legislation proposed in these three amendments? [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Speaker, I shall decline interruptions.

The SPEAKER. The gentleman declines to be interrupted.

Mr. BENNET. Mr. Speaker, to paraphrase a familiar hymn:

This is the day I long have sought,
And mourned because I found it not.

I served in the Fifty-ninth, the Sixtieth, and the Sixty-first Congresses, when nearly every day some gentleman on the Democratic side of the aisle rose and talked about gag rules and Cannonism, and depriving the individual Member of his rights. Well, here we are. [Laughter.] There never was anything attempted in those three Congresses like passing a rule 45 pages long embodying three bills, attaching them to an appropriation act, so that the only way the President can veto the bills if he wants to is to veto one of the great appropriation acts. When you vote for the rule that is going to be passed you are not voting respecting any one of these three things. You are simply voting to get something to the Senate so that the Senate can amend it, so that it can go to conference, and so that the individual will never get a chance to vote on the final proposition.

I always liked Democrats, and I regret as a human being when I see them err. As a politician I do not mind it. [Laughter.] As a human being I want to talk to you, however, particularly you gentlemen from the Northern States where your election is not sure as it is in some of the other States; and I want to remind you just between ourselves, because we all of us were alive 10 years ago, of the fact that in the great States of New York, Pennsylvania, in New England, Indiana, Illinois, and Ohio, and in the farther Western States, every Democratic orator went through them talking about the rules and gag rules and tying the hands of the House, and there are men sitting here to-day, I do not doubt, who are here because they made that sort of a campaign. You can never say anything about the rules any more after you do this, because nothing that you criticized was anything like this. I listened to the speech of the distinguished gentleman from Alabama [Mr. HEFLIN] with pleasure, as I always do, and if he does not ever get any closer to the smallpox than he did to the question before the House, he is immune. [Laughter.] If nobody knows any more about what is in this rule than he does, then the four hours provided for discussion are tragically incomplete. [Laughter.] He says there is a grain-grading bill included here that is going to help the farmer.

It will take him more than four hours to demonstrate that there is anything of that kind in this bill. He talks about a Federal warehouse bill, and he forgot to tell you it was entirely optional; that you could license or not license, except for one thing. I have never said before on this floor, and I regret to state it now, because I do not sympathize very much with this talk that everything is aimed at New York, and I am charitable enough to think what they have done to New York in connection with this Federal warehouse bill is an accident. But in section 3 of the bill as proposed I will tell you what they have done. On the piers of our city there stand 70 miles of warehouses side by side, and you confer on the Secretary of Agriculture the power, without application on the part of the owner of any one of these warehouses for a license, without any desire to come into the system, to go into every one of those warehouses, because every one of them is capable of containing wool, cotton, flaxseed, or grain, and inspect it; and then you require him, by the bill, to publish the result of his inspection.

If I were still in practical politics I would know what this bill was. I would know that this was a proposition to come around about October, before a presidential election, and to say to those corporations and individuals who own those warehouses, "I am here to inspect your warehouse." The man would say, "I do not want it inspected. I am not going into your licensing system." And then somebody else would come around to tell him how he could avoid being inspected. But far be it from me to insinuate that there is any political purpose in this bill. It seems to me, though, if I were the owner of a warehouse in those 70 miles of warehouses in New York City, and this bill passed, as it ought not to do, I would be inclined, if I thought more of my money than I did of my principles—and men of large means are apt to appreciate their money—I would be inclined to hesitate before I took any part in politics other than on the Democratic side, when I knew that the

Secretary of Agriculture could send any one man out to force himself into my warehouse any day, and he could rate it in any way he pleased, and that I had no appeal, and that he could do it whether I wanted it or not.

Gentlemen, it is this kind of legislation that is going to make this next House safely Republican. Everybody knows it is going to be Republican. There is just one outstanding fact about this House, and that is its sincere ennui. This side does not particularly care to do anything, because they are going out. Our side is a little bit cautious about raising any rumpus, because we do not want to make any bad precedents. But you are making it secure for us.

When I came here in 1905 the distinguished gentleman from Mississippi, Mr. JOHN SHARP WILLIAMS, then and still a philosopher, said in my first week of service that the trouble with the Democratic Party was that all over the Union its emblem was the donkey, and that the truth was that the people were afraid of it, and that the reasons that they were afraid of it were such as the matters that were before the House and were usually little minor things.

It was the minor things that your party has done. It is the more or less of minor things that your party is doing now. The ruling of our distinguished Speaker the other day was probably within the letter of the law, but to the people of this country "the letter killeth, but the spirit giveth life." And all over the country there are appearing headlines like the one I picked out of a paper this morning that came to me through the mails, saying, "Speaker forces bill into conference." That kind of thing that you are doing is going to put you out. You could not evolve any worse rule than this. But I think I will withdraw that, on reflection. You may. [Laughter.] If you can do this, nobody can put a limit on what you can do. You may put all the legislation in the House on an appropriation bill. But there is one thing you gentlemen have got to face when you go back into your districts. Your districts will ask you why you did not pass your legislation. You will say you could not get to it. They will say, "Mr. RUBEY and Mr. LEVER, who introduced the other bills, passed them—the grain-grading and warehouse bill." "Oh, yes; but that was under a rule. They put it on in an appropriation bill." They will say, "Those people had more power than you, did they not?" And you will have to say, "Yes." "Did you vote to permit that?" And you will have to say, "Yes." And you have destroyed Democratic equality as it affects your own people, and they will make you hear from it and suffer for it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker, I yield six minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I think our friend from New York has somewhat missed the point in his attack upon the majority party with respect to the contention that we made while the Republican Party was in power. We did have a good deal to say about gag rule, but we charged that your party, while it had control of this House, used the gag rule for the purpose of suppressing good legislation rather than for the purpose of putting good legislation through. [Applause on the Democratic side.] And that is the reason that the American people listened to the protests of the Democratic Party, put us in power, and turned you out. We sat here for 16 years and saw the Rules Committee, composed of the Speaker and two other Representatives, throttle the demands of the rank and file of the American people. It was no uncommon sight to see large delegations appealing in vain to be heard.

The American people are not going to turn the Democratic Party out of power until they have analyzed results. That is what the American people are concerned about more than the method of procedure. Now, if these three amendments are good legislation, the average man does not give a flip of his finger whether they are put through this House as separate bills or as amendments to the Agricultural appropriation bill. And the test is going to come in this House when the vote is taken, and I predict that when it is taken upon these three amendments you will find gentlemen voting for them on that side of the Chamber as well as on this, just as they have voted for every other important measure the Democratic Party has put through this House except one. We heard a great deal of protest about the currency bill. Dire predictions were made that ruin would come to the country if it should be passed.

Yet when the great war in Europe was suddenly declared, a war that involves the whole world, the finances of this country were safe and steady and the credit of the Nation was strong as the rock of Gibraltar. But for the passage of that law there would have been a panic Nation wide. Everybody believes this is true. I wonder how many gentlemen on that side of the

Chamber would stand up now and say they are willing to vote for a repeal of that currency legislation.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. Yes.

Mr. MADDEN. The gentleman probably knows that if the bill had become a law as it was drawn originally everybody in this country would have gone into bankruptcy.

Mr. POU. It is true the bill was amended by a Democratic House and Senate. It became necessary for a Democratic Congress to act, for you gentlemen had sat here for 16 years and refused to act. And if that Democratic currency law had not been passed, and if the Republican laws affecting the currency had remained on the statute books there would have been the greatest panic the world had ever seen. [Applause on the Democratic side.]

Mr. MADDEN. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman yield?

Mr. POU. No; I can not yield. I have only a moment left.

The SPEAKER. The gentleman declines to yield.

Mr. POU. And so all down along the line. When the work of this Congress is put before the American people, I submit they are not going to stop to consider whether it was put through by a rule or whether it was put through by bill upon report of a committee. The substance of the legislation itself is going to be considered; and I submit that with the great record behind us and with the measures that we are going to put through in this Congress, we are perfectly content to accept the challenge of gentlemen on the other side, and submit this legislation to the arbitrament of the American people. [Applause on the Democratic side.]

I yield back the balance of my time, Mr. Speaker, if I have any.

The SPEAKER. The gentleman yields back one minute.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

The SPEAKER. The gentleman from Illinois [Mr. CHIPERFIELD] is recognized for eight minutes.

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House, as one of the new Members of the House, I beg to suggest to the distinguished gentleman from Alabama [Mr. HEFLIN] that when the more recent membership on the Republican side select a mentor for their political acts, it will not be the distinguished gentleman who tendered his services in that behalf, nor will it be any gentleman from across the aisle until there is much more evidence of more popular approval of their statesmanship than has existed within the last few months. [Applause on the Republican side.]

The distinguished gentleman from Missouri [Mr. RUBEY] said, very truly, that the legislation which is proposed to be made in order by the rule now sought to be adopted is the most important legislation that has been pending before the present session of Congress.

I can go yet further, and add that this legislation is so comprehensive and all-embracing in its provisions that it affects every man, woman, and child within the confines and borders of our land.

When you provide, as is done by the proposed amendment, for the trading and dealing in cotton upon the great marts of commerce in the United States; when you give the Secretary of Agriculture the right arbitrarily to fix the standards for corn, wheat, rye, oats, barley, flaxseed, and every other commodity of the land that in his judgment requires such standardization; when you provide that every warehouse and elevator within the limits of the United States and every place where these commodities may be stored shall be under his supervision and control, how could you, in 45 pages of any bill, go further than you have attempted to go in this measure, the provisions of which are not fully understood or clearly comprehended by any man who sits within this House to-day?

Now, I know what the answer will be.

The answer will be that some of the provisions of these amendments are optional and some are permissive and that not all are mandatory. But the action which you seek to take to-day is laying the foundation for making them obligatory at the next session of Congress and placing within the hands of the Secretary of Agriculture all of the agricultural commodities, all of the grains, all of the warehouses and elevators, and all of the products of all of the farms within the United States.

I remember a few years ago, shortly before his election as Speaker, when the loved and revered Speaker of this House—and he is not more admired on the one side than he is on the other—came to the city where I reside.

I had the distinguished honor—and I esteemed it as such—to introduce him to our people.

I heard his classic discourse upon the evils that had grown up in Congress, and I heard him, in language that was chaste and beautiful and forcible, speak of the infamous Rules Committee, of their arbitrary action and of the reports that had been brought in by them, gagging, as he alleged, the minority of the House and putting in jeopardy the rights of the American citizens and endangering our Republic.

As he spoke, as none other can speak upon the platform, the people from this Republican community broke into cheers, as they were impressed with and thought of the evils and wrongs that had been visited upon the Democratic minority by the unscrupulous majority, and I confess I felt badly myself. [Laughter.]

Mr. FORDNEY. Did you get over it? [Renewed laughter.] Mr. CHIPERFIELD. Yes; I got over it. We were rebuked by the electorate; we were chastened; and now we are spiritually refined.

At the present time we have done our penance, and our repentance is accomplished and complete.

The American people kicked us out of power because of their detestation of the same tactics and practices that you now invoke and seek to employ.

I am not foolish enough to think, or credulous enough to suppose, that anything that may be said here by any of us will make the slightest difference in the action of the majority upon this proposition, and I realize that it is "the voice of one crying in the wilderness."

But I have read in the RECORD of past sessions the walls and the denunciations, and the protests and the lamentations, and the shrieks of horror you uttered as you were being ravished by the Republican majority. [Laughter.]

I have seen in that RECORD, indelibly preserved, the tears you shed, and, in view of your action to-day, repudiating all you then said, you stand branded with the condemnation of rank hypocrisy in the utterance at those times of those walls and lamentations. [Applause on the Republican side.]

You were not on the square then, and you are not now.

You believe just as much to-day that the practice you invoke to serve the purpose of the passing hour is as questionable and as wrong now as you believed it to be then.

But why the difference?

Simply because you desire to add these amendments to this appropriation bill, and to crowd them, by the use of this iniquitous rule, down the throats of the minority of this House, without giving to us opportunity for discussion or for consideration.

Here they are, these amendments—of nation-wide effect and importance.

On one of them you allow an hour's debate, and upon each of the others you allow an hour and a half of debate.

These are measures that affect every constituent within your districts, measures that are of the greatest importance to every man who is engaged in the production of any agricultural product, and yet you stifle debate and consideration of them and seek to tie them onto this appropriation bill in order that it may pull them through.

You give by this bill the power to the Secretary of Agriculture to establish a grade for all of these grains without reference to local conditions.

You give to him the power to supervise every warehouse and elevator.

You give him the power to change the grade of the grains of the country whenever it may appear practicable to do so.

And then you bring these measures, every one of which is sufficient for at least a week's consideration, into this House and you say to the House, "You must take them blindly, without sufficient debate or consideration, for they are to be forced upon you in defiance of the rules of the House, and only because we are numerically stronger than you." You say, by your actions at least, "We confess that the rules we have adopted to govern us this session are not practical or workable in their operation. We confess our inability to pass legislation in the ordinary way. We know no way to secure the enactment of these three laws in a regular manner, and so we brutally force them upon you in defiance of the rules that we have adopted. We utterly confess our impotence."

Now, you can do this. You probably have the votes to do it, but there is this much that can be said that is as certain as that the sun will rise to-morrow morning, and that is that the practices which you adopt to-day, which you formerly hypocritically reviled the Republican Party for adopting and using, will be submitted to the people at the polls in the coming November for their approval, and that such actions will not be

approved. Oh, the gentleman [Mr. HEFLIN] said—and he was simply whistling while going through a graveyard—that there would be more Members taken from this side and added to that side in the coming November election. Gentlemen, in the next Congress of the United States, because of your stupendous failures in all the departments of the Government, a little child will be able to count the number of your Members then present without going beyond the most elementary stage of enumeration in arithmetic. [Applause on the Republican side.]

Mr. HARRISON. I yield two minutes to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Speaker, on this question I have made perhaps a thousand speeches in the last 30 years. I have been very much interested in our friend from Illinois [Mr. CHIPERFIELD], who just left the floor. He talks about the Rules Committee in the past and the Rules Committee now. The difference between the two is that the Rules Committee under Republicans had a habit of blocking legislation in the farmers' interest and saddling a lot of trusts and combines on the farmers and the country, and I condemned them in every form of language I could use in a parliamentary way; but when the present Rules Committee has the courage to bring out legislation to help the farmers, three very important measures, to open the door of hope to that class who drink warm stick-worm water out of an old jug at the end of the row, while we men here drink ice water out of a cooler, my God, I want to congratulate the Committee on Rules! [Applause.]

In one of these measures we have the warehouse system. I have seen the apples in rows of trees a mile long on the Pacific slope, as beautiful as ever the human eye looked upon, rot and go to waste, while across on the other side of the mountains the people could not afford to eat apples, because some sort of a monopoly lay between the mouth of the hungry fellow and the fellow who had the apples. I have seen peaches and potatoes rot by the thousands of bushels, when they would not pay for the baskets and sacks to put them in, because there was no warehouse system to handle them, and a line of monopolies built up by the Republican Party stood between them and the fellow 300 miles away, who could not afford to eat them, because there were too many monopolies between the fellow that grew them and the fellow that was hungry. I have seen all those conditions, and I want to help remedy them. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, this is another effort to fasten unnecessary law on the people of the country. I say "fasten law upon the people of the country," because that has been the practice of the party in power since it came into power. It has been nothing but law, law, law, regulation, regulation, regulation! Now we are coming to regulate the farmer of the country a little bit. And the farmer may soon feel it.

Our friends upon the other side assume that this bill is in the interest of the farmer. I have some information here which indicates that it is opposed to the interests of the farmer. If this grain-grading bill is put through under this rule, as you propose to put it through, and the farmers meet with bad climatic conditions and poor crops, they may, in the course of one year, by reason of the standards established here, stand to lose as much as \$50,000,000 or \$75,000,000. When the farmer begins to lose money under this expensive regulation system, some of you who are preaching special friendship for the farmer may not care to look him squarely in the face and tell him that you put this legislation through under a gag rule. The farmers of Montana are beginning to raise wheat to sell to the export trade. When these regulations are put into effect and full authority is given the Secretary of Agriculture and his inquisitors, go ask the farmers of Montana how they feel when their crop conditions will not permit them to enter into the foreign trade, because their grade of grain does not come up to a hard-and-fast legal standard.

Our friends upon the other side of the House talk about this being important legislation that ought to be passed under a rule. It is important legislation, three great bills that this Congress ought to carefully consider, but we are to do so only under pressure. The Speaker told us the other day that we ought to speed up; that we ought to get busy so we can get home. You have given us two weeks to discuss the details of the Agricultural bill, and in the last hours of that bill you bring in as riders these three important bills, any one of which ought to have the consideration of this House for a week. Yet under a gag rule you propose to pass these laws, which you do not care to have discussed in the open.

Gentlemen over there say Republicans suppressed legislation under the rules. Perhaps it was well for the country that some of the legislation which you have brought out since you have been in power was suppressed. It would have been for the welfare of the people of this country.

You boast about your legislation and ask whether we would repeal the currency act. You have already started to repeal that act yourself. You are already beginning to correct your errors. In a few days you are going to take back all you said about interlocking directorates. You have already started to correct your tariff law. You have taken back your repeal of the sugar tax. You are repealing here and there all along the line. Talk about your seaman's law, which drove the American flag from the high seas! You have already come in, under the pressure of the people behind you, the farmers included, and you have started to repeal that law. Go on with your kind of legislation, fasten your tentacles upon the business of this country, and the farmer will feel it along with the rest. Then will come the change.

The agricultural bill that is now pending is filled with appropriations which the farmers, along with their customers, have to pay for the employment of scientists and experts. We now have 16,000 of them, more or less, to go about the country to tell the farmers how to run their farms; now you are going to fasten a few more of these experts and scientists upon them. You have them in the cotton fields; fasten them upon the warehouses, upon the shipping agencies, upon the boards of trade; all these are among the farmers' best friends and must be relied upon if the farmer is to have a market. But go ahead and pile up the legislative burdens; it will hasten the day of reckoning. [Applause.]

The SPEAKER. The gentleman from Pennsylvania yields back half a minute.

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. HELGESEN] five minutes.

Mr. HELGESEN. Mr. Speaker, the opposition to this rule is placed on high grounds. Men are opposed to it because of the principle involved. They are opposed to rider legislation. I am just as much opposed to rider legislation, where it is improper legislation, as anyone else; but, my friends, this rule has been used by both parties in the past, and perhaps always will be. My people know this just as well as you know it. They know that it has been used to pass improper legislation and to destroy good legislation, and now they are interested in some bills that they do not see any other way of passing except by this rule.

They say you can not use the rule against them; that it is not legitimate to use it. I have been told by men that the Progressive element is opposed to rider legislation, and yet, while my memory does not go back as far as that of some men, I remember some matters of legislation that passed as riders on an appropriation bill and was supported by the Progressives.

The public-utilities bill was passed as a rider on the District of Columbia appropriation bill. The antimerger legislation was passed as a rider upon the District of Columbia appropriation bill. The Jones-Works excise bill was passed as a rider on the District of Columbia bill. The meat-inspection law was passed as a rider on the Agricultural appropriation bill in 1906, and was supported by Progressives, including Senator LA FOLLETTE, who ought to be a sufficiently radical Progressive to suit anyone.

Now, this is only a partial list. The fact of the matter is that you men who oppose this to-day are opposed to the bill. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Illinois [Mr. CHIPPEFIELD] both indicate that they are opposed to the legislation which is proposed, and they have a right to be opposed to it. My friends, I want to tell you that this is a serious matter. It is serious for the consumer as well as for the producer. Our foreign exports are in such a condition that they have to be remedied. The principal opposition comes from Baltimore, Philadelphia, New York, Boston, and other export centers. They brought out the fact that they were shipping No. 3 and No. 4 grain as grade No. 2. The price of grain is based on Liverpool prices less the cost of sending it there. That practice has taken not millions but billions of dollars away from the farmers of this country. [Applause.]

Now, from Boston, where the exporters are tremendously opposed to the standardization of grades, comes a resolution which was sent to me the other day. It is too long to read in full, but I will print it in the RECORD. The Chamber of Commerce of Boston is very much in favor of this legislation. They say:

In an attempt to help remove the stigma which has attached to the American grain trade with foreign countries ever since last fall, when shipments of wheat were sent to Europe from Chicago and were of such poor quality that cargoes of it had to be thrown overboard, the Boston Chamber of Commerce to-day is forwarding to Washington a formal approval of the Rubey bill now pending in Congress and aiming

to prevent such abuses of inspection as permitted this wheat to go abroad.

At a largely attended meeting of the grain board of the chamber the following vote was passed:

That it is the sense of the grain board that it favors the passage of the Rubey Grain Grades Act, and recommends to the directors that they request our Senators and Congressmen to favor the passage of the bill; and that the chairman of the grain board be authorized to appoint a committee of three members to draft a report to the board of directors giving the reasons why the chamber should favor the passage of the Rubey Grain Grades Act.

In accordance with this vote, Harry Hamilton, Bernard J. Rothwell, and Charles A. Rache were named to draw up the reasons. They now have presented their summary of the abuses which led to the move for a radical change and these have been approved by formal action of the directors, so that the whole report will go forward to the Massachusetts Senators and Congressmen this afternoon, as follows:

The undersigned, having been appointed in accordance with the above vote, respectfully submit the following reasons why the Boston Chamber of Commerce, through its board of directors, should favor the passage of the Rubey Grain Grades Act.

1. The Rubey bill provides for the establishment of uniform standards for the various grades of the different grains, such uniform standards to be maintained throughout the United States.

All grain sold by grade must be inspected and graded in accordance with these standards, but grain may be sold by sample under trade names adopted by individual sellers, as, for example, "Victory" Oats, "Winner" Wheat, etc.

It further provides that all inspection shall be under Federal supervision. There would be no interference with the machinery of existing inspection systems, as, for example, that of the Boston Chamber of Commerce, and competent inspectors recommended by the various exchanges would be appointed by the Secretary of Agriculture. It is understood that these inspectors would be placed under civil-service rules, so that while performing their work honestly and efficiently they could not be disturbed for political reasons.

2. The need for this legislation has for many years been most urgent. Abuses resulting from present conditions have been flagrant, reaching their culmination during the present crop year.

Inward inspection has been rigid at the expense of the shipper. Outward inspection has been elastic at the expense of the buyer.

Grain has at times been inspected out from elevator into cars. These cars run around a belt line back to elevator within a few days and inspected in a grade or two grades lower.

Not only has the one grade, say, No. 1 northern spring wheat, meant one thing in one market and another in another, but it has meant several different things in the one market, for example:

In Minneapolis for months during the present crop year there was, day after day, a variation based on quality of from 8 cents to 16 cents per bushel in the selling price of No. 1 northern spring wheat; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 8 cents per bushel difference on some days to 16 cents per bushel difference on others.

In Kansas City during the same time the difference, day after day, for months was from 3 cents to as high as 20 cents per bushel; that is, at the same time and in the same place various lots of wheat, each bearing the same official grade, sold at from 3 cents per bushel difference on some days to 16 cents per bushel difference on others.

These were wholly quality differences. There was no other reason for the variation in price.

As one-eighth of a cent per bushel will turn a trade in grain, the extent of the manipulation of grades may easily be seen.

The oats crop of 1914 affords striking example of fraudulent manipulation of grades.

In the early months of the crop movement the average moisture content of oats in eight principal oat-shipping States was 11.1 per cent. In January, 1915, oats of the same grade in one of our eastern markets showed an average moisture content of 13.7 per cent, showing an average added moisture of 2.6 per cent, which meant that the consumer paid 2.6 per cent of his money for water instead of for oats.

Seizures were made by United States officials during the spring of 1915, with the result that the moisture content of the same grade dropped within a month to an average of 11 per cent.

"Doctoring" of oats, in other words, adulteration, is a constant fraud against which under present conditions buyers and consumers have no redress.

In August and September, 1914, in one of the large markets oats contained an average of 2.8 per cent of other grains and foreign materials. In April, 1915, in the same market the same grade of oats showed 10.3 per cent of other grain and foreign seeds, an increased adulteration of 7.5 per cent.

In wheat, however, during the summer and early fall of 1915 occurred the most extraordinary abuse of inspection ever perpetrated.

Grain houses in one of the large central markets of the West, prior to harvest, sold in foreign markets enormous quantities of "No. 2 hard" and "No. 2 red winter" wheat for shipment from Chicago during July, August, and September, 1915.

Almost incessant rains at harvest, and for months afterwards, totally destroyed many millions of bushels of wheat and damaged to an unprecedented extent the entire crop. The result was that not over 10 per cent of the receipts of wheat in principal markets during the months named graded "No. 2"; comparatively little graded "No. 3"; the bulk was "No. 4" or "No grade."

The total receipts of No. 2 in Chicago during these months were probably considerably less than 1,000,000 bushels. Notwithstanding this, several million bushels of wheat were inspected out and certificates issued as "No. 2 hard" or "No. 2 red winter" and were shipped in fulfillment of the contracts above mentioned.

When some of this wheat reached the seaboard local inspection graded it "No. 4" or "Unmerchantable." However, it had been sold on western certificate and went forward to European buyers.

On arrival across the ocean much of this wheat was hot and caked and actually had to be chopped out of the holds of vessels at Liverpool and London.

At Italian ports the Government confiscated several cargoes and they were thrown overboard as unfit for any use.

The reputation of the American grain trade, which had suffered for many years from lesser infractions of the rules of fair trading, was now smirched as never before. For probably the first time in such matters the intervention of the United States ambassadors was sought and the whole matter, involving 30,000,000 bushels and several million dollars, is now in the hands of the Department of State.

3. Efforts to eliminate these abuses, which have involved enormous loss year after year to grain shippers, to millers, to domestic grain distributors, to consumers, and to foreign buyers of American grain, have been persistent for the past 10 years.

In the last session of Congress the Moss Grain Grades Act, almost identically the same as the Rubey bill, passed the House of Representatives almost unanimously, but the Senate Calendar was so crowded and the fight over the shipping bill was so prolonged that it was not reached; consequently a new bill had to be introduced at the present session.

There is good prospect of the passage of this bill, but it will require the indorsement of all organizations who favor putting this enormous business upon a reputable and responsible basis.

Among the organizations that have favored this legislation are:

(A) Grain Dealers' National Association of the United States, made up of 3,300 members in practically every State of the Union, 17 States being represented upon its board of directors.

(B) Millers' National Federation, embracing thousands of flour millers in every flour-milling State in the Union.

(C) The principal grain-trade organizations in all the prominent grain-trade cities of the West.

The demand for it is almost universal.

4. Opposition to the Rubey bill, aside from State-inspection departments, which are under political control and are in a large measure responsible for the abuses herein recited, comes from exporters in Baltimore, Philadelphia, New York, and Boston.

Their reasons for the most part are illogical and easily refuted. In Boston, for example, the principal argument of the exporters who are opposed to uniform inspection is that in the case of corn it would do away with the climatic advantage which Boston, by reason of its cooler temperature, holds over southern ports.

This argument is specious, because it is obvious that if corn containing a high percentage of moisture can safely be exported via Boston, whereas shipment via southern ports would be decidedly risky, that corn will be exported via Boston and the port will receive the full benefit of its natural advantage. There is no sound reason, however, why corn that is in reality "No. 3" or "No. 2" should be graded and certificated in any market as "No. 1."

Summary: The Rubey bill and the movement which it represents is designed to safeguard the interests of all concerned in the growth, the milling, and the distribution of grain. It is designed to protect the honest dealer from the unscrupulous; it is designed to remove grain inspection from local, political, or other influence which can be used for private advantage; it is designed to enable the grain buyer, large or small, to know with reasonable exactness what he is buying and paying for and what he is entitled to and will receive. As stated by the Grain Dealers' National Association:

"We are in favor of Government supervision of grain inspection for the same reason that the honest shippers of the country favored the abolition of the rebate. It makes for better, more honest business. It gives the consumer a square deal, and that in the long run benefits the individual dealer who wishes to conduct his business without constant infractions of the law of common honesty."

As this bill is now under discussion in Congress and a vote is likely to be reached immediately, we respectfully urge the indorsement of the bill by the Boston Chamber of Commerce and the immediate notification of such indorsement to Hon. THOMAS L. RUBEY, chairman Subcommittee on Agriculture, and Hon. THOMAS P. GORE, who has entered in the Senate another exactly similar bill, as well as the Senators and Representatives of all the New England States.

Mr. COADY. Will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. COADY. Does the gentleman know how many complaints have been made by foreign shippers, or at least foreign recipients of the grain as to grain shipments from Baltimore, Philadelphia, and New York?

Mr. HELGESEN. They have made complaints every year.

Mr. COADY. Does the gentleman know that those ports have shipped 46,000,000 bushels of grain and that there were very few complaints of any kind?

Mr. HELGESEN. I do not know that, nor does the gentleman know it. They have made persistent complaints and have appealed to this Government before this year. This is not the first case; it has been year after year, and was admitted by the exporters from the four cities.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, the Clerk read this rule very fast. I suspect he left out a very large proportion of it, which was well. I have the idea that it is much easier to vote for the rule if you do not know what is in it. The rule provides for the consideration of three bills covering some 44 pages. These bills are to be passed in four hours, without one minute of general debate. The only debate permitted is under the five-minute rule, and that part of the rule is constructed in such a way that a man can not get a vote upon his amendment at the end of his argument, but must get his vote at the end of the entire debate, when everybody has forgotten what he has said. That is the kind of a rule that you propose to put over on us. It would be difficult to imagine a more severe commentary upon the methods of legislating in this House than this situation presents. Already in this session of Congress, although we have passed only five of the great appropriation bills, we have passed seven special rules, and there are some five or six rules pending before the Rules Committee which have not been reported. In the short session that preceded this we passed 8 special rules, and at the long session that preceded that we passed 17 special rules—more special rules in these three sessions than were passed in

the entire régime of the distinguished former Speaker of the House when chairman of the Rules Committee.

The gentleman from Alabama talks about the regulation of grain exchanges. If anybody else in this House knows as little about what is in the resolution as the gentleman from Alabama, we shall need more than four hours' debate. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. How many speeches remain on that side?

Mr. CAMPBELL. Only one more on this side.

Mr. HARRISON. I yield to the gentleman from South Carolina [Mr. LEVER] seven minutes.

Mr. LEVER. Mr. Speaker, the House is brought face to face with a practical proposition. It might as well realize what the proposition is. The rule under consideration makes in order on the appropriation bill which will be under consideration shortly certain bills that have been passed upon by the Committee on Agriculture having jurisdiction of the subjects and which are now pending on the calendar in this House. Each of these three bills—the cotton-futures bill, the grain-standardization bill, and the Federal-warehouse bill—has passed, two of them both branches of the American Congress in the last session of Congress, and the grain-standardization bill passed this House under a suspension of the rules by over a two-thirds vote.

Now, the criticism is that we are attaching to an appropriation bill a rider, and therefore that you are asked to vote down the rule, because it is asserted that the practice of attaching riders to appropriation bills has in the past led to bad legislation. On the general proposition of attaching riders to appropriation bills I may agree that under ordinary circumstances it were best that that method of legislation should not be employed. But I take it that whatever evils have resulted from this method of legislation have been due to the fact that the body considering them was taken by surprise, and that there could not be, that there had not been, full consideration of the legislation proposed. This is a different situation. We are asking you to attach to this bill three propositions which have been considered thoroughly by the committee having jurisdiction.

The rule making these three propositions in order was introduced by me a week ago, so that the Congress has had due notice. We are not surprising anybody. We have given you fair notice. We are only asking you to do in a practical way what we fear we will not be able to do under the existing situation in this body and the body at the other end of the Capitol. [Applause on the Democratic side.] Do we want this legislation? Do you gentlemen, representing great agricultural constituencies from the West and the East and the Middle West and the South, desire to represent the will of those people? Are you honestly in favor of giving this great remedial legislation to the toiling farmers of the country? Are you in earnest in your protestations? I say very frankly, knowing some of the men from the West, on that side and on this side, that they are earnestly in favor of legislation of this character, and I do not believe that they are going to stand on this mere quibble of a technicality and deny their people this relief. [Applause on the Democratic side.]

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. I have not the time, I am sorry to say. It is a question of getting consideration. Will you defeat this rule, deny consideration of this legislation, and then have the hardihood to go to your people who have demanded it, and in whose interest it is proposed and say, "I could not give you that legislation, boys, because a technical rule of the House stood in the way"? I do not believe your people will excuse you upon that ground. I believe the people of this country have made up their minds that they want this legislation, and I do not believe they give a tinker's damn how they get it, just so they get it. [Applause on the Democratic side.]

Let me say another thing. Take your grain-grading bill. There is not a single line of opposition to that legislation from the grangers or from the farmers, from the milling interests, or from any interests involved, except probably the chambers of commerce of one or two exporting points on the Atlantic coast.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CAMPBELL. Mr. Speaker, I yield eight minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, if I were looking only to political advantage, I would content myself with making a formal protest against this rule and then letting this majority adopt it, but there is so much more involved here in the rule than politics that I would not be true to my duty if I let it rest there. You propose to destroy the greatest safeguard that this House has against legislation of the most vicious character. Every Member of this House who has been here for any length of time knows that two-thirds of the legislation that has been

vicious which has crept into the laws enacted by Congress has been through riders on appropriation bills, and it has not been put there by this House, but by another body, and the conferees of this House have accepted it. For the past few years this House has stood like a rock against riders of that character, and, as a result, legislation that has been found upon appropriation bills in the form of riders has not been of that vicious character to which I refer. Pass this rule, however, create this precedent, and the conferees of the House no longer will be able to say to the conferees of the Senate, "It is against the practice and the rules of the House to carry new legislation upon appropriation bills," and this House will then be helpless.

Mr. Speaker, I want to say a word with reference to the speech made by my friend from North Dakota [Mr. HELGESEN], a valuable Member of this House. This is the first time that he has gone seriously wrong upon any proposition. He was elected as a progressive Republican, and one of the cardinal principles of those who belonged to that group was that they were opposed to gag rules, that they were opposed to rules of this character, and yet he proposes to vote for it. This rule is not only a gag rule, but it is a rule that will prevent the House upon the final coming of this legislation before the House from having a vote upon it. I have a little different conception of the duties of a Member of this House than that he is to base his action upon vital issues on the question of whether or not he happens to be for or against the legislation.

What will happen if this rule is adopted? I am not against these bills, any one of them. They have been amended to meet the objections I have heretofore made with reference to them. But these are not the bills that will come out of conference. The conferees will finally frame these bills and put them into a great appropriation bill, and there will be no opportunity for a separate vote upon them; and we will be compelled, if the bills are not as we think they ought to be, to vote down a great appropriation bill for the carrying on of the expenses of this Government in order to defeat legislation that we may then think to be vicious. Mr. Speaker, it can not be defended from any standpoint or from any theory; and the Democratic leaders, if they believed for a moment that they would control the next House, would never have dared to set this precedent for themselves. [Applause on the Republican side.]

Many times the plea has been raised that there should be no sectionalism in this House, and I have agreed with that. I have never since I have been a Member of this House raised the issue of sectionalism, but there comes a time when it is the duty of Members of the House to call a spade a spade, and that time has come now. What is behind this most extraordinary procedure? What is the reason for destroying this great safeguard that we have against vicious legislation? There is only one answer, Mr. Speaker, and that is cotton.

Cotton is king. The South is in the saddle. The South controls this House, and they are willing to sweep away every safeguard we have, they are willing to destroy every principle necessary to the orderly conduct of this House wherever cotton is involved. And you Democrats from the North are willing to meekly follow them, thereby demonstrating to the country that you are not following your own convictions. You are willing, for the purpose of aiding a few Southern States, to destroy the greatest bulwark we have in this House against legislation of evil character.

There is a sop thrown to the farmers of the West, and that is why my friend from North Dakota [Mr. HELGESEN] has favored it; but it is only a sop. There is nothing substantial in it. I am willing to vote for it in a separate bill. It does neither good nor harm, but I want to say it will not help his farmers of North Dakota one iota. You talk about the regulation of grain exchanges, as the gentleman from Alabama did. There is not a syllable about that in these bills. What is the evil in the Northwest that has been complained of? It is the elevators. And in this bill there is not a line of regulation as to a single warehouseman or elevator man, unless he chooses to come under it, and this means, and means only, that if the Federal regulation is more to his advantage than the State regulation he will take the Federal regulation and not the State. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker—

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] has 11 minutes.

Mr. HARRISON. Mr. Speaker, I am not surprised at that side of the House opposing this resolution. It is in keeping with the practice and policy of the minority to obstruct and delay beneficent legislation. It is very consistent upon the part of you Republicans to find fault with and criticize this rule. Your party has sunk to the unenviable position of mere fault finding

and criticism. You say this rule is drastic and unprecedented. But I hope before I have closed to convince you that it is neither drastic nor unprecedented. I listened to the gentleman from Wisconsin [Mr. LENROOT] when he said that when these bills were offered as amendments in Committee of the Whole he expected to vote for them, but that he was going to vote against this rule. His views are the views of practically all of you and clearly show the hypocrisy and insincerity of your position. If you intend to vote for the amendments when offered in the committee, why do not you vote now for the rule? The rule is not different, except it is not so drastic, from rules that your side forced through this House time and time again. [Applause on the Democratic side.] The gentleman from Wisconsin [Mr. LENROOT] says that the Senate has practiced putting on riders to appropriation bills but that the House has not. I say the House, too, has done it time after time. While you employed this method of enacting much bad legislation the Democratic minority forced you to pass some of the best legislation now upon the statute books by embodying it in general appropriation bills. [Applause on the Democratic side.] The parcel-post bill was enacted in that way. [Applause.] The rural carriers provision was enacted in that way [applause], and there are many other provisions that I could cite the gentlemen on that side to that to-day might not be on the statute books if it were not for the fact that they were tacked as riders on general appropriation bills.

Now, let us see whether or not this rule is so drastic. Let us see if it is sectional. On the Agricultural Committee of the House there are men from every section of the country—only 6 out of 21 from the South. This grain-standardization bill was voted unanimously out of the committee. The men on that committee who came from the West, and who are vitally interested in this legislation, disagree with my friend from Wisconsin and are enthusiastically supporting this bill. There is nothing sectional in this matter. Representatives from the South are for the grain-standardization bill because they believe it will help the farmers of the North and West, and because northern Representatives want it. Ah, the gentleman from North Dakota [Mr. HELGESEN] need not become alarmed at the remarks of the gentleman from Wisconsin [Mr. LENROOT]. I believe that when he goes before his people and shows to them that there was no way of procuring the passage of the grain-standardization bill except by voting for a rule making it in order for consideration on this bill, they will approve and applaud his action. And when the constituency of the gentleman from Wisconsin and constituencies of other gentlemen of the minority ascertain that through voting against this rule they prevent the consideration of the grain-standardization bill, which means its defeat, they will disapprove and denounce their action. [Applause.]

Sectional? There is nothing sectional about this resolution. The grain-standardization bill was introduced by the gentleman from Indiana [Mr. MOSS]. But let us see about the drastic—if I may manufacture or employ that word—of this rule. It only provides for the consideration of these three amendments as they are offered in the Committee of the Whole. It does not prevent any amendment from being offered to any of the three amendments. It provides for more debate than any of the bills along this line previously considered in this House. The cotton-futures bill, the standardization of grain bill, and the warehouse bill were all passed under a suspension of the rules, which, under the general rules of the House, prevented amendments being offered and allowed only 20 minutes of debate on a side, and yet under this rule an hour's debate on the cotton-futures amendment, an hour and a half on the grain-standardization amendment, and an hour and a half on the warehouse amendment is permitted. Let me say to the gentleman from Wisconsin, if he wants to offer any amendments, notwithstanding the fact that he says he is going to vote for them anyhow—

Mr. LENROOT. I did not say I was going to vote for these amendments. If they were separate bills that would be a different proposition.

Mr. HARRISON. Then I misunderstood the gentleman. If the gentleman wants to offer an amendment he may do it, and any other gentleman on the floor of this House may do it. When you were in control of this House you did not follow that practice. You brought rules into this House and said that no amendments could be offered to the bills, and not only that, but oftentimes you said that no debate should be allowed in the consideration of the bills. Here we allow you both, and no one can rightfully say that this is a drastic rule. It merely grants the right to consider these measures, allows freedom of amendment and reasonable debate, and yet for these reasons, and not because you are against the amendments, you oppose the rule. Gentlemen, your constituents will neither approve

your reasoning nor your course. [Applause on the Democratic side.]

Let me cite you to some precedents proposed by your Republican Rules Committee and passed by your Republican majority when in control of this House. Oh, you can smile. Of course, the gentleman from Illinois [Mr. CHIPERFIELD] will smile, although the two distinguished gentlemen that are on the Agricultural Committee from his State voted for all of these propositions.

Mr. CHIPERFIELD. Will the gentleman yield to a question?

Mr. HARRISON. I am sorry my time is limited, and I can not yield just now.

In the Sixtieth Congress, first session, page 2660 of the CONGRESSIONAL RECORD, you adopted a rule providing for new legislation on the Army appropriation bill.

In the Fifty-ninth Congress, first session, page 9152 of the RECORD, you adopted a rule allowing certain new legislation in order on an appropriation bill, unreasonably limited debate under the five-minute rule on the new legislation, and permitted no debate under the five-minute rule on any of the other provisions. [Applause on the Democratic side.] And yet you talk about this rule being drastic and without precedent.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. HARRISON. Not right now.

Mr. LENROOT. Just for one question.

Mr. HARRISON. If the gentleman will just abide his time with patience, I will give him as much information as it is possible in a short time. [Laughter.] In the Fifty-eighth Congress, second session, page 3709 of the RECORD, the Committee on Rules made in order new legislation on the Post Office appropriation bill.

In the Fifty-ninth Congress, second session, page 897 of the RECORD, the Committee on Rules made in order new legislation on the Army appropriation bill.

In the Sixty-first Congress, first session, page 4554 of the RECORD, Mr. Walter I. Smith, a Republican, from the Committee on Rules, reported a special rule—and your party passed it in this House—making in order a provision on the urgent deficiency bill a section pertaining to surety bonds.

In the Fifty-second Congress, second session, a provision for creating a commission to investigate the executive departments of the Government was made in order on an appropriation bill.

In the Fifty-eighth Congress, second session, a rule was brought in providing for an increase in rural carriers' salaries on the Post Office appropriation bill.

In the Fifty-seventh Congress, second session, a rule was brought in making in order on the District appropriation bill a provision for levying a personal tax in the District of Columbia.

In the Fifty-ninth Congress, second session, Mr. Dalzell reported a rule and forced it through the House making in order on the Post Office appropriation bill several paragraphs that were not in order under the general rules of the House.

In the Fifty-ninth Congress, first session, page 4398 of the RECORD, your majority under a rule made in order every section of the bill of the legislative, executive, and judicial bill that was subject to a point of order, and made it in order, further, upon the motion of the Committee on Appropriations, to insert in any part of the bill any provision reported as a part of the legislative, executive, and judicial appropriation bill which had theretofore been ruled out on points of order. [Applause on the Democratic side.] Will the gentleman from New York [Mr. BENNET] and the gentleman from Wisconsin [Mr. LENROOT] permit me to say that that rule passed by your Republican majority affected 47 provisions of that bill. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman yield?

Mr. HARRISON. Yes.

Mr. LENROOT. Does the gentleman know what happened to the Republicans who brought in that rule? [Laughter.]

Mr. HARRISON. Oh, yes; but the reason why it happened to them was that you thwarted by your rules beneficent legislation and passed by your rules iniquitous legislation, prevented amendments being offered, and refused freedom of discussion. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. HARRISON. I do not. In the Sixty-first Congress, second session, page 7578 of the CONGRESSIONAL RECORD, you

adopted a rule relating to the postal savings banks which allowed one amendment and you designated what that amendment should be, refused further right to amend, and provided for an immediate vote at the end of a certain time. [Applause on the Democratic side.] That is the kind of legislation you put through. Ah! and the gentleman from Illinois [Mr. MANN] voted for that rule. [Applause on the Democratic side.] But that is not all. In the Fifty-eighth Congress, second session, page 1947 of the RECORD, the Committee on Rules reported a rule for the consideration of an amendment to the act regulating commerce. A time limit was fixed for closing general debate, no debate was allowed under the five-minute rule, and only one amendment was allowed to be offered, and that was in the nature of a substitute. [Applause on the Democratic side.] And yet you say the resolution under discussion is drastic and without precedent. You had better read the record of your party. [Applause on the Democratic side.]

In the Sixtieth Congress, first session, page 6244 of the RECORD, the Vreeland banking bill was considered. How? Ah! It was so cruel I dislike to recall it. [Applause on the Democratic side.] You knew you had the votes and you passed it under a motion to suspend the rules; you allowed only one amendment, a substitute, to be offered and you specified what it should be; you limited debate, and you discharged the committee, who had not considered it, from consideration of it. [Applause on the Democratic side.] And while that action was bad, that did not surpass your action in the Sixty-first Congress, when your Rules Committee and your Republican majority passed your Payne tariff law under a rule that allowed only five amendments to the whole tariff bill being offered, and shut off discussion under the five-minute rule. And you who say we are returning to the days of Cannonism, let me ask you to again consider the liberality and justice of this rule, and compare it with the one you passed in the Fifty-ninth Congress, second session, found on page 3755 of the RECORD, when your Rules Committee forced through the House a rule relating to the safety of employees and travelers upon railroads, that not only made in order six amendments to the bill but, mind you—listen to me—in the rule you agreed to the six amendments; you passed the bill as amended, and in that same rule you sent the bill to conference and appointed the managers on the part of the House. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. HARRISON. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Mississippi moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 97, noes 89.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution embodying the rule.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. HULBERT, Mr. CAMPBELL, and Mr. MANN demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 184, nays 136, answered "present" 3, not voting 110, as follows:

YEAS—184.

| | | | |
|----------------|----------------|---------------|-------------|
| Abercrombie | Byrns, Tenn. | Doughton | Gray, Ind. |
| Adamson | Callaway | Dupré | Gregg |
| Aiken | Candler, Miss. | Eagan | Griffin |
| Alexander | Caraway | Eagle | Hamlin |
| Allen | Carter, Okla. | Edwards | Hardy |
| Almon | Casey | Estopinal | Harrison |
| Ashbrook | Clark, Fla. | Evans | Hart |
| Aswell | Cline | Farley | Hastings |
| Austin | Collier | Ferris | Hawley |
| Ayres | Connelly | Fields | Hay |
| Bailey | Cox | Finley | Hayden |
| Barkley | Crisp | Flood | Heflin |
| Barnhart | Crosser | Foster | Helgesen |
| Beakes | Cullop | Gallivan | Helms |
| Bell | Davenport | Gandy | Helvering |
| Black | Davis, Tex. | Gard | Hensley |
| Blackmon | Dent | Garner | Hilliard |
| Borland | Dewalt | Garrett | Holland |
| Browne | Dickinson | Glass | Hood |
| Buchanan, Tex. | Dies | Godwin, N. C. | Howard |
| Burgess | Dill | Goodwin, Ark. | Huddleston |
| Burke | Doolittle | Gordon | Hughes |
| Byrnes, S. C. | Doremus | Gray, Ala. | Hull, Tenn. |

| | | | |
|------------------|-----------------|-----------------|-----------------|
| Humphreys, Miss. | McClintic | Rayburn | Stone |
| Igoe | McDermott | Relly | Stout |
| Jacoway | McGillcuddy | Rouse | Taggart |
| Johnson, Ky. | McKellar | Rubey | Tavener |
| Johnson, S. Dak. | McLemore | Rucker | Taylor, Ark. |
| Jones | Miller, Pa. | Russell, Mo. | Taylor, Colo. |
| Keating | Montague | Sabath | Thomas |
| Kettner | Morgan, Okla. | Sears | Thompson |
| Key, Ohio | Moss, Ind. | Shackelford | Tillman |
| Kincheloe | Nicholls, S. C. | Shallenberger | Tribble |
| Kitchin | Oldfield | Sherley | Van Dyke |
| La Follette | Oliver | Sims | Venable |
| Lazaro | Olney | Sinnott | Vinson |
| Lee | Overmyer | Sisson | Walker |
| Leshner | Page, N. C. | Small | Watson, Va. |
| Lever | Park | Smith, N. Y. | Webb |
| Lieb | Patten | Stegall | Whaley |
| Linthicum | Pou | Stedman | Williams, W. E. |
| Littlepage | Quin | Steele, Iowa | Wilson, La. |
| Lloyd | Ragsdale | Steele, Pa. | Wingo |
| Lobeck | Rainey | Stephens, Miss. | Wise |
| London | Randall | Stephens, Nebr. | Young, N. Dak. |
| McAndrews | Rauch | Stephens, Tex. | Young, Tex. |

NAYS—136.

| | | | |
|----------------|-----------------|----------------|-----------------|
| Anderson | Farr | Kennedy, R. I. | Rogers |
| Anthony | Fess | King | Rowe |
| Bennet | Fitzgerald | Kinkaid | Rowland |
| Britt | Focht | Kreider | Sanford |
| Britten | Frer | Lehlbach | Scott, Mich. |
| Butler | Freeman | Lenroot | Sherwood |
| Campbell | Fuller | Longworth | Siegel |
| Cannon | Garland | McArthur | Slemp |
| Cary | Gillett | McCracken | Sloan |
| Charles | Good | McFadden | Smith, Idaho |
| Chapfield | Gould | McKenzie | Smith, Mich. |
| Coady | Green, Iowa | McLaughlin | Snell |
| Cooper, W. Va. | Greene, Vt. | Madden | Snyder |
| Cooper, Wis. | Hadley | Magee | Stafford |
| Copley | Hamilton, Mich. | Mann | Steenerson |
| Costello | Hamilton, N. Y. | Mapes | Stephens, Cal. |
| Cramton | Haugen | Matthews | Sterling |
| Curry | Hayes | Miller, Minn. | Stiness |
| Dale, Vt. | Hernandez | Mondell | Sulloway |
| Dallinger | Hicks | Moore, Pa. | Sweet |
| Danforth | Hill | Moore, Ind. | Tilson |
| Darrow | Hinds | Nelson | Timberlake |
| Davis, Minn. | Hopwood | Oakey | Tinkham |
| Dempsey | Howell | Paige, Mass. | Towner |
| Dillon | Hulbert | Parker, N. J. | Treadway |
| Dowell | Hull, Iowa | Parker, N. Y. | Volstead |
| Dunn | Humphrey, Wash. | Platt | Wason |
| Dyer | Husted | Powers | Watson, Pa. |
| Edmonds | Johnson, Wash. | Pratt | Wheeler |
| Ellsworth | Kahn | Ramseyer | Williams, T. S. |
| Elston | Kearns | Reavis | Williams, Ohio |
| Emerson | Keister | Ricketts | Wilson, Ill. |
| Esch | Kelley | Riordan | Winslow |
| Fairchild | Kennedy, Iowa | Rodenberg | Wood, Ind. |

ANSWERED "PRESENT"—3.

Browning Woods, Iowa

NOT VOTING—110.

| | | | |
|-----------------|---------------|----------------|----------------|
| Adair | Fordney | McCulloch | Raker |
| Bacharach | Foss | McKinley | Roberts, Mass. |
| Barchfeld | Gallagher | Maher | Roberts, Nev. |
| Beales | Gardner | Martin | Russell, Ohio |
| Bruckner | Glynn | Mays | Saunders |
| Brumbaugh | Graham | Meeker | Schall |
| Buchanan, Ill. | Gray, N. J. | Miller, Del. | Scott, Pa. |
| Burnett | Greene, Mass. | Moon | Scully |
| Caldwell | Griest | Mooney | Sells |
| Cantrill | Guernsey | Morgan, La. | Shouse |
| Capstick | Hamill | Morin | Slayden |
| Carew | Haskell | Morrison | Smith, Minn. |
| Carlin | Heaton | Moss, W. Va. | Smith, Tex. |
| Carter, Mass. | Henry | Mott | Sparkman |
| Chandler, N. Y. | Hollingsworth | Mudd | Summers |
| Church | Houston | Murray | Sutherland |
| Coleman | Hutchinson | Neely | Swift |
| Conry | James | Nichols, Mich. | Switzer |
| Cooper, Ohio | Kent | Nolan | Tague |
| Crago | Klees, Pa. | North | Talbot |
| Dale, N. Y. | Konop | Norton | Temple |
| Decker | Lafean | Oglesby | Vare |
| Denison | Langley | O'Shaunessy | Walsh |
| Dixon | Lewis | Padgett | Ward |
| Dooling | Liebel | Peters | Watkins |
| Driscoll | Lindbergh | Phelan | Wilson, Fla. |
| Drukker | Loft | Porter | |
| Flynn | Loud | Price | |

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. SMITH of Texas with Mr. LOUD.

Mr. GALLAGHER with Mr. HOLLINGSWORTH.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. MURRAY with Mr. LAFEAN.

Mr. TALBOTT with Mr. NORTH.

Mr. LOFT with Mr. HEATON.

Mr. HENRY with Mr. HASKELL.

Mr. HAMILL with Mr. GRAHAM.

Mr. TAGUE with Mr. BACHARACH.

Mr. WATKINS with Mr. CAPSTICK.

Mr. WILSON of Florida with Mr. CHANDLER of New York.

Mr. PRICE with Mr. SUTHERLAND.

Mr. DIXON with Mr. WOOD of Indiana.

Mr. DECKER with Mr. SCOTT of Pennsylvania.

Mr. SAUNDERS with Mr. WARD.

Mr. BOOHER with Mr. GRIEST.

Mr. DALE of New York with Mr. GREENE of Massachusetts.

Mr. HOUSTON with Mr. GUERNSEY.

Mr. BRUMBAUGH with Mr. DRUKKER.

Mr. DRISCOLL with Mr. MUDD.

Mr. SLAYDEN with Mr. NORTON.

Mr. SPARKMAN with Mr. MORIN.

Mr. FLYNN with Mr. MOONEY.

Mr. MORRISON with Mr. SWITZER.

Mr. NEELY with Mr. PETERS.

Mr. BUCHANAN of Texas with Mr. MILLER of Delaware.

Mr. CALDWELL with Mr. FOSS.

Mr. SHOUSE with Mr. MOSS of West Virginia.

Mr. MAYS with Mr. BEALES.

Mr. CAREW with Mr. GRAY of New Jersey.

Mr. SUMNERS with Mr. CARTER of Massachusetts.

Mr. RAKER with Mr. ROBERTS of Nevada.

Mr. MOON with Mr. CRAIG.

Mr. CARLIN with Mr. MCKINLEY.

Mr. MORGAN of Louisiana with Mr. BARCHFIELD.

Mr. LEIBEL with Mr. COOPER of Ohio.

Mr. BRUCKNER with Mr. HUTCHINSON.

Mr. CONRY with Mr. MCCULLOCH.

Mr. OGLESBY with Mr. MEEKER.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. O'SHAUNESSY with Mr. SMITH of Minnesota.

Mr. CHURCH with Mr. WALSH.

Mr. LEWIS with Mr. TEMPLE.

Mr. BURNETT with Mr. SWIFT.

Mr. DOOLING with Mr. COLEMAN.

Mr. ADAIR with Mr. FORDNEY.

Mr. PADGETT with Mr. MOTT.

Until further notice by either:

Mr. JAMES with Mr. KONOP.

On this vote:

Mr. CANTRILL (for the rule) with Mr. LANGLEY (against the rule).

Mr. BROWNING. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. SCULLY, who is absent. I wish to withdraw my vote and to be recorded "present."

Mr. WOOD of Indiana. Mr. Speaker, I voted "no." I have a general pair with my colleague Mr. DIXON. He did not vote, and I desire to withdraw my vote and to answer "present."

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BUCHANAN of Illinois. I came in just after my name had been called.

The SPEAKER. The gentleman is too late.

The result of the vote was announced as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. BENNET. Mr. Speaker, I call the gentleman's attention to the fact that under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman is correct. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill (H. R. 12717), with Mr. HAMLIN in the chair.

Mr. LEVER. Mr. Chairman, I offer the following as an amendment, on page 77, after line 2.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 77, after line 2, by adding the following:

AMENDMENT No. 1.

Part A.

That this part, to be known as the United States cotton-futures act, be, and hereby is, enacted to read and be effective hereafter as follows:

"That this act shall be known by the short title of the 'United States cotton-futures act.'"

"Sec. 2. That, for the purposes of this act, the term 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell. That the word 'person,' wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act,

omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

Mr. SIMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. Will we have to wait until each section is read in full before we can offer amendments to it?

The CHAIRMAN. Under the special rule no amendment to the amendment will be in order until after this amendment is reported in full.

Mr. SIMS. The whole amendment?

The CHAIRMAN. The whole amendment.

Mr. SIMS. Then we can return to the proper place?

The CHAIRMAN. Then the amendment, of course, will be open to amendment, but not until after the amendment is reported in full.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Under the rule is discussion permitted under the five-minute rule?

The CHAIRMAN. Not until after the amendment is reported in full. The Chair construes the rule to mean that the amendment must be reported in full, and then one hour's debate under the five-minute rule will be permitted, during which time amendments may be offered.

Mr. MOORE of Pennsylvania. That means that while the first amendment is being read we will not be permitted to offer any amendments or to make any remarks until the conclusion of the reading.

The CHAIRMAN. This whole amendment No. 1 is now being read by the Clerk, and can not be interrupted for amendment or debate until after the reading of it has been completed.

Mr. MOORE of Pennsylvania. During the discussion of the rule it was stated by several gentlemen, notably the gentleman from Missouri [Mr. RUBEN] and the gentleman from Mississippi [Mr. HARRISON] that there would be opportunity for the freest discussion of these amendments. Now is it understood that under the rule the discussion can be had only at the conclusion of the reading of these 21 pages of the cotton futures act?

The CHAIRMAN. Under the special rule just adopted by the House the Clerk is now reading amendment No. 1, and at the conclusion of the reading there will be one hour of debate on that amendment No. 1, during which time any member may seek recognition for the purpose of offering an amendment, and at the end of one hour a vote will be had on the amendments, if any are offered, and upon the amendment now being read.

Mr. MOORE of Pennsylvania. If I understand the Chair correctly, then there will be one hour of general debate only?

The CHAIRMAN. One hour only.

Mr. MOORE of Pennsylvania. At the conclusion of the reading of amendment No. 1, and that there will be no debate on the amendments to be offered to amendment No. 1?

The CHAIRMAN. Gentlemen may offer amendments during that time under the five-minute rule, if they desire.

Mr. MOORE of Pennsylvania. But only one hour is permitted for the offering of amendments and for the discussion of amendments.

The CHAIRMAN. That is the Chair's construction of the rule.

Mr. MOORE of Pennsylvania. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Then as a matter of fact all discussion under the five-minute rule is barred under the special rule?

The CHAIRMAN. The Chair is not called upon to pass upon that now. The Chair will pass upon that question when it arises.

Mr. MOORE of Pennsylvania. The fact is that the Chair refuses to allow Members at this time to discuss the amendments paragraph by paragraph under the five-minute rule or to discuss amendments thereto.

The CHAIRMAN. The Chair is bound equally with the gentleman under the rule just adopted by the House, and by reason of that fact can not now recognize him.

Mr. MOORE of Pennsylvania. I understand that. I am not finding fault with the Chair. I want to get the ruling of the Chair. Will the Chair recognize the gentleman from Pennsylvania at this time to discuss a paragraph of the amendment under the five-minute rule?

The CHAIRMAN. However glad the Chair would be to do that, he can not do so.

Mr. MOORE of Pennsylvania. The Chair refuses to recognize the gentleman for that purpose. I thank the Chair.

The Clerk read as follows:

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 2 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I do not know that I quite understand the ruling of the Chair. At what period does the reading under the five-minute rule begin?

The CHAIRMAN. After the Clerk finishes the reading of the amendment.

Mr. LONGWORTH. Then, it will be read under the five-minute rule?

The CHAIRMAN. Then it will not be read under the five-minute rule. It will have been read already.

Mr. LONGWORTH. It will have been?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Now, suppose the gentleman from Pennsylvania [Mr. MOORE] desires to offer an amendment immediately on the conclusion of the reading of this amendment?

The CHAIRMAN. He can offer it, provided he receives recognition from the Chair.

Mr. LONGWORTH. How long would he be entitled to debate it?

The CHAIRMAN. Under the five-minute rule he can talk five minutes, unless the committee desires to extend his time.

Mr. LONGWORTH. Then, I think I misunderstood the Chair. The five-minute rule begins at the conclusion of the reading of this amendment, does it?

The CHAIRMAN. The bill is read as one amendment.

Mr. LONGWORTH. Precisely. Now, when does the five minute-rule begin?

The CHAIRMAN. After the Clerk has completed the reading of the amendment.

Mr. LONGWORTH. And then the five-minute rule continues for one hour—is that it?

The CHAIRMAN. Then the debate under the five-minute rule continues for one hour.

Mr. LONGWORTH. Oh! I did not get that.

Mr. MADDEN. I understand, Mr. Chairman, that there is one hour's general debate on the bill, and then the five-minute rule applies.

Mr. LONGWORTH. May I ask the Chair another question?

The CHAIRMAN. Certainly.

Mr. LONGWORTH. Then, according to the ruling of the Chair, as I understand it, there would be the possibility of offering only 12 amendments.

The CHAIRMAN. How many amendments?

Mr. LONGWORTH. Twelve—5 times 12 make 60 minutes.

The CHAIRMAN. The Chair would not want to say that.

Mr. LONGWORTH. Suppose there were 20 amendments offered?

The CHAIRMAN. If the gentleman could get five minutes' time, he might offer five amendments, or one every minute. There is no limit on the number of amendments that the gentleman might offer during that time.

Mr. LONGWORTH. If that is the case, where does the time come from?

The CHAIRMAN. The Chair will call the attention of the committee to the rule just adopted, which seems to be plain:

And amendments Nos. 1, 2, and 3—

The Clerk is now reporting amendment No. 1—

shall be read and considered separately, and on each amendment there shall be debate under the five-minute rule as follows: Amendment No. 1, one hour; amendments Nos. 2 and 3, one hour and a half each; during which debate amendments may be offered to the amendment then under consideration. All amendments offered, if any, shall be considered pending until the conclusion of the debate on the amendment to which they are offered, and at the expiration of the debate on each of the amendments Nos. 1, 2, and 3 a vote shall be taken on all pending amendments and on the amendment.

Mr. LONGWORTH. Then the physical fact is that during this hour any gentleman may offer an amendment, which he can debate for five minutes; then some one on the other side could oppose the amendment for five minutes. Is that true?

The CHAIRMAN. Undoubtedly.

Mr. LONGWORTH. That would make 10 minutes; there would be 50 minutes remaining. The physical fact is that not over six amendments could be offered to this bill.

The CHAIRMAN. The Chair is not called upon to figure out mathematically how many amendments can be offered. The Chair is bound by the rule. The amendment must be reported as a whole, and after that there is not exceeding one hour's debate under the five-minute rule, and at the conclusion of that one hour a vote shall be had on the pending amendments to the amendment, if any.

Mr. BENNET. Mr. Chairman, I do not think the gentleman from Ohio precisely understands the situation.

The CHAIRMAN. Does the gentleman from New York make a parliamentary inquiry?

Mr. BENNET. In the nature of a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Does the Chair understand that the attitude of the gentleman from Ohio is that the amendment comprises 21 printed pages; that that must all be read; and that no amendment or debate can be had until it is completed; and then there shall be an hour, and during that hour not only is there to be all the debate that there is to be, but within that hour all the amendments must be reported from the desk? So the gentleman from Ohio, if he got the impression that he seems to have got, has an erroneous impression, because there is not one entire hour for debate; there must be deducted from that the time required to report the amendment.

The CHAIRMAN. The Chair thinks the committee understands the rule adopted and the Clerk will read.

Mr. MANN. Mr. Chairman, I will submit a parliamentary inquiry, but I will not ask the Chair to answer it now. I understand the rule and the rule is not explicit on one point. The rule provides that amendments to the amendment may be offered during the one-hour debate. That is a provision contrary to the usual rule—to have an amendment offered and pending. It does not provide definitely either one way or the other whether at the end of the hour's debate it would still be in order to offer an amendment without debate. That question will arise and I ask the Chair to consider it.

Mr. ANDERSON. Mr. Chairman, I wanted to ask the gentleman from Illinois a question, but I will ask it of the Chair as a parliamentary inquiry—whether or not the time consumed in reading the amendment will be taken out of the hour or hour and a half of debate.

The CHAIRMAN. The Chair thinks that the time will be taken out of the hour.

Mr. MANN. Oh, no, Mr. Chairman; a Member who has five minutes is allowed that time for debate and the reading of his amendment is not taken out of that five minutes. Now the rule provides for one hour debate.

The CHAIRMAN. The Chair thinks that he was in error as to that and that the gentleman from Illinois is correct. The Clerk will read.

The Clerk, proceeding with reading of the amendment, read as follows:

Sec. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of, and the rules and regulations made pursuant to, this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Mr. SLOAN. Mr. Chairman, I rise to give the Chair an opportunity to rule directly on the proposition. At the end of the paragraph just passed I move to amend by striking out the last word of that paragraph.

The CHAIRMAN. The gentleman can not be recognized for that purpose at this time. Under the rule this amendment must be reported as a whole.

The Clerk, proceeding with the reading of the amendment, read as follows:

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOOHER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On April 26, 1916:

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard Klosterud Dampskibsselskab, owner of the Norwegian steamship *Hesperos*;

H. R. 6241. An act to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, C. D. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii; and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder;

H. R. 9909. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. to construct a bridge across the Missouri River;

H. R. 11820. An act granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River; and

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June terms, 1910, sitting in bankruptcy.

On April 27, 1916:

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co.;

H. R. 9803. An act to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia;

H. R. 11471. An act to amend paragraphs 177 and 178 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, relating to the duty on sugar, molasses, and other articles;

H. R. 4701. An act to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor roll," and for other purposes;

S. 683. An act prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before any department or office of the Government;

S. 1294. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 4480. An act providing for the establishment of two additional terms of the district court for the eastern district of North Carolina, at Raleigh, N. C.

On April 28, 1916:

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of \$2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary;

H. R. 5835. An act for the relief of James Stanton;

H. R. 7502. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased; and

S. J. Res. 98. Joint resolution to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. In view of the statement of the Chair that the time for reading the amendment will be taken out of the hour of debate, would the Chair entertain a motion that further reading of the amendment be dispensed with?

The CHAIRMAN. The Chair did make the statement but immediately corrected it. The Chair does not hold that the time for reading the amendment will be taken out of the time for debate. The Chair made the statement inadvertently but immediately corrected it.

Mr. MOORE of Pennsylvania. I did not understand, Mr. Chairman, that the Chair had corrected that statement.

Mr. LEVER. If the gentleman from Pennsylvania wishes to expedite the matter I will submit a request that the further reading of the amendment be dispensed with.

Mr. MOORE of Pennsylvania. I simply wanted to get the Chair's opinion in the matter.

The Clerk, proceeding with the reading of the amendment, read as follows:

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if ginned, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered, and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that in case a dispute arises between the person making the tender and the person receiving the same as to the quality or the grade or the length of staple of any cotton tendered under the contract either party may refer the question to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton-futures act, section 5."

The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section; and his findings upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies as prima facie evidence of the true quality or grade or length of staple of the cotton involved.

Sec. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

Sec. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such and of which he shall give public notice.

Sec. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places in the

markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton of the same or different grades in the markets selected and designated by him from time to time for that purpose; and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

Sec. 9. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section 3 of this act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

Sec. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof, if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton-futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

Sec. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5 or with all the conditions specified in section 10 of this act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds: *Provided further*, That if at the time any such contract is entered into the Secretary of Agriculture, after investigation, shall have determined and, by declaration then unrevoked, in the rules and regulations made pursuant to this act, shall have publicly announced that its terms are the substantial equivalent, and sufficient to accomplish the purposes, of the conditions specified in the fourth, fifth, and sixth subdivisions of section 5 of this act, and the rules and regulations relating thereto, such contract shall be deemed, for the purposes of this section, to comply with the said conditions: *And provided further*, That no tax shall be levied under this act on any order mentioned in this section if, first, such order and the contract made in pursuance thereof be solely for hedging the purchase or sale of spot cotton shipped, or to be shipped, from the United States to any foreign country, or the shipment or consignment for sale of spot cotton from the United States to any foreign country, whether such order or contract be the one given or made originally, or be subsequently given or made for a purchase or sale to be substituted, for hedging the purchase, sale, or shipment or consignment for sale, of spot cotton, or be for the liquidation of any such transaction; and, second, a report of such transaction, including the shipment of the cotton involved, be made to the Secretary of the Treasury at such time or times and in such form as he may require.

This act shall not be construed to lay any tax on cotton exported from any State.

Sec. 11a. That upon each order received in the United States which shall have been, directly or indirectly, transmitted or directed or authorized to be transmitted by any person from a foreign country in which there is any exchange, board of trade, or similar institution or

place of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which a contract of sale is made pursuant thereto at, on, or in any exchange, board of trade, or similar institution or place of business in the United States, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if contracts of sale of cotton grown in the United States for future delivery which may be made at, on, or in the exchanges, boards of trade, and similar institutions and places of business in such foreign country or countries comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of contracts of sale in foreign countries. The Secretary of Agriculture is authorized from time to time to ascertain and determine in what foreign countries there are any exchanges, boards of trade, or similar institutions or places of business at, on, or in which contracts of sale of cotton grown in the United States for future delivery are customarily made, and whether any such contracts of sale which may be made at, on, or in such exchanges, boards of trade, or similar institutions or places of business comply with the conditions specified in section 11 of this act for exemption from taxation under this act of orders sent from the United States for the making of such contracts of sale. He shall publish such determinations in his rules and regulations made pursuant to this act.

SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by sections 11 and 11a of this act shall be paid by the sender of the order from the United States or the receiver in the United States of the order coming from a foreign country, as the case may be, and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies. That no contract of sale of cotton for future delivery made in pursuance of any order mentioned in sections 11 and 11a of this act shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section 4 hereof and the tax imposed by section 11 or 11a upon the order for such contract shall have been paid in compliance with section 12 of this act.

SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in sections 3, 11, and 11a of this act, including the origin, making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 3 of this act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transaction; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections 3173, 3174, and 3175 of the Revised Statutes, as amended, are hereby extended and made to apply to this act.

SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of \$2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys to whom satisfactory evidence of violations of this act is furnished to institute and prosecute actions for the recovery of the penalties prescribed by this section.

SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1916, the unexpended balance of the sum appropriated by the act of March 4, 1915 (38 Stat. L., 1017), for "collecting the cotton-futures tax," or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act and any duties remaining to be performed by him under the United States cotton-futures act of August 18, 1914 (38 Stat. L., 693).

SEC. 20. That there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of \$150,000 appropriated by section 20 of the said act of August 18, 1914, and for the fiscal year end-

ing June 30, 1916, the unexpended balance of the sum of \$75,000 appropriated for the "enforcement of the United States cotton-futures act" by the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916 (38 Stat. L., 1086), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this act, as those for which said sums, respectively, were originally appropriated and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said act of August 18, 1914. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this act. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9, of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately; section 11a of this act shall become and be effective on and after the 1st day of August, 1917. All other sections of this act shall become and be effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section 8 of this act which shall have been made prior to the 1st day of the calendar month next succeeding the date of the passage of this act.

SEC. 22. That the act entitled "An act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August 18, 1914 (38 Stat. L., 693), is hereby repealed, effective on and after the 1st day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said act of August 18, 1914, or to diminish any authority conferred by said act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said act, or to affect any right in respect to or arising out of any contract mentioned in section 3 of said act made on or subsequent to February 18, 1915, and prior to the 1st day of the calendar month next succeeding the date of the passage of this act, but so far as concerns any such contract said act of August 18, 1914, shall remain in force with the same effect as if this act had not been passed.

SEC. 23. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. SIMS. Mr. Chairman, I want to offer the following amendments to the amendment:

On page 3, line 8, after the words "no tax," insert the words "in excess of 10 cents per bale."

On page 10, line 14, following the words "no tax," insert the words "in excess of 10 cents per bale."

On page 12, line 4, at the end of the words "no tax," add the words "in excess of 10 cents per bale."

On page 14, line 2, after the words "no tax," add "in excess of 10 cents per bale."

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SIMS:

Page 3, line 8, after the word "tax" insert the words "in excess of 10 cents per bale."

Page 10, line 14, after the word "tax," insert the words "in excess of 10 cents per bale."

Page 12, line 4, after the word "tax," insert the words "in excess of 10 cents per bale."

Page 14, line 2, after the word "tax," insert the words "in excess of 10 cents per bale."

Mr. ANDERSON. Mr. Chairman, I make the point of order that the gentleman has submitted four amendments.

Mr. SIMS. No; it is only one amendment in several places, and a vote on the first will settle them all.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The point of order made by the gentleman from Minnesota is not well taken.

Mr. SIMS. Mr. Chairman, the object of this bill, on the face of it, is to put a tax on the sale of cotton of \$10 a bale of 500 pounds. The general proposition is a tax of \$10 a bale when sold on the exchanges, and then follows exemptions providing that if a certain form of contract is used no tax shall be collected. Now, my amendment does not change the bill in any shape whatever but wherever the contract provided in this act is used then instead of taxing it \$10 a bale we only tax it 10 cents a bale.

Such a tax is not burdensome and will enable any legitimate future dealing to be done where the cotton is intended to be delivered or where it is intended to be used for hedging purposes. It will not prevent the use of the exchanges in all legitimate business, but it will prevent the buying and selling of options merely as a gambling transaction where neither party intends to at the time they make the contract to deliver the cotton.

Mr. HEFLIN. Mr. Chairman, would that apply to spot deals?

Mr. SIMS. It would have no effect whatever upon spot deals.

Mr. HEFLIN. Spot deals on spot markets.

Mr. SIMS. Oh, not at all; it must be through the exchanges; but it will amount to the collection of a large sum of money, because they buy and sell cotton by the hundreds of thousands of bales where no delivery is expected or intended or desired—purely fictitious transactions—and if they want to do so they can still do that under this bill with this 10 cents a bale, reducing the tax from \$10 to 10 cents a bale. They can still gamble, but they will have to pay some revenue for the privilege of doing it, which will very greatly reduce such dealings. When we are seeking all sorts and sources of taxation in order to collect revenue to prepare this country for its defense, and this is a small revenue tax, perfectly legitimate, bringing in a large sum of money, and it will not prevent any legitimate use of the cotton exchanges. The Democratic platform calls for the suppression, not for the regulating, of this kind of dealing. This 10 cents a bale will not suppress it absolutely, it will not prevent a legitimate use of it, but it will have a tendency to reduce fictitious dealing on the exchanges where men buy in the morning and sell in the afternoon of the same day or the next minute. It will prevent "ringing" out, it will tend to prevent running of corners; but if you do it you must pay for it, must pay this tax into the Public Treasury at a time when the Public Treasury needs every cent it can get. I think my friends who live in the South can better justify voting for this bill with this amendment than they can without it, because every cotton exchange for every kind of dealing, gambling, real or otherwise, will use the contract provided in this Lever amendment. They will all be printed forms, and no other sort will be used, and without some amendment of this bill your pretended 2 cents a pound tax will produce no revenue; you will not get a cent under it; but it is using the taxing power for other purposes, which a great many Democrats are very much opposed to.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JACOWAY. Mr. Chairman, I want to ask the gentleman for my own information what he thinks of the provision of this bill as compared with the old bill?

Mr. SIMS. It is practically the same thing. I voted against the old bill because they would not accept an amendment of this sort, and will do it again unless it is amended. But if we tax it 10 cents a bale it means a large amount of revenue and a great deal less gambling, and then we will have a real record made by an officer of the United States which will show accurately the amount of future dealing done in the cotton exchanges of the country.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee having offered four amendments and having consumed five minutes in the discussion of one of them, is he now entitled to 15 minutes more for a discussion of the other three?

The CHAIRMAN. The Chair has already ruled that the gentleman's amendment is one amendment. He has occupied his five minutes.

Mr. SIMS. And he does not ask for any more.

Mr. BENNET. Mr. Chairman, I move to amend by striking out section 11.

Mr. LEVER. Mr. Chairman, does the gentleman mean section 11 or section 11a? One deals with orders coming in and the other with orders going out.

Mr. BENNET. Mr. Chairman, I will limit myself for the time being to try to strike out all that is going out—section 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BENNET moves to strike out, on page 11, beginning with line 20, all of section 11 down to and including line 12, on page 13.

Mr. BENNET. Mr. Chairman, without assuming the highest degree of familiarity with the cotton trade, but simply applying ordinary business principles, it seems to me that this is an attempt, after the present war closes, to transfer the business of the cotton exchanges of the United States to Liverpool. I am not particularly versed in the comparative morality or immorality of cotton exchanges. I never was on one in my life and never bought or sold any of these futures or hedges, whatever they are called. I absolutely disagree with the morality of the position of the gentleman from Tennessee [Mr. SIMS], however. For instance, he regards these transactions as gambling, but is perfectly willing that the gambling shall continue as long as the United States gets a part of the rake-off.

Mr. SIMS. Oh, no. I said the Democratic platform called for the abolition of gambling, and the way to abolish it is to tax it out of existence.

Mr. BENNET. But the gentleman says do not abolish it, but let us get some of the money.

Mr. SIMS. I said you can go ahead with your legitimate dealings because the tax is light.

Mr. KELLEY. Mr. Chairman, did not the gentleman urge this as a revenue-producing measure?

Mr. BENNET. Of course.

Mr. KELLEY. And how could you get revenue unless the gambling continued?

Mr. BENNET. Certainly. It is simply another way of licensing a gambling house. The contention is made by the men who deal on these exchanges, however, that it is a legitimate business, and I am inclined to think it is. If it is a legitimate business, it ought not to be driven from the United States. What section 11 does is to drive the business of making contracts for the future sale of cotton grown in the United States and contracts for future delivery from the exchanges of the United States to the exchange at Liverpool, because, of course, we can not impose any tax on the sale of futures on the exchange in Liverpool. I realize that this method of discussion of my amendment is very futile. We talk now, and 50 minutes from now, under this rule, when the gentlemen who are now at lunch and who comprise a large majority of the House come back, we will vote on what we have now offered in the way of amendment.

That is simply one of the beauties of this rule. But I discharge my duty to gentlemen who live in the city which I have the honor to represent in part, and I make my protest both in behalf of my city and the city of New Orleans against driving this business out of the United States and over to Great Britain. I do not know why we are so particularly fond of Great Britain in all of our manifestations. I was glad yesterday when we showed a little kindly feeling toward Roumania, because it was a modification of our usual rule; but we are getting more and more British in this practice of putting legislation on appropriation bills. It is what? British. What is the Speakership of this House now? It is British. Ten years ago we had an American system under which the Speaker had power. Now we have the British provision, and by this rule we have taken one further step toward turning the American House of Representatives into the British House of Commons. I know that the Sixty-fifth Congress will be Republican and we will reverse it, but I would not be surprised if in the second session of this Congress we would have to call the chairman of the Committee on Agriculture "the right honorable gentleman from South Carolina, in charge of the Agricultural appropriation bill," and use all those other forms that go with the British aristocracy and all those other matters that we were brought up—rightly, I think—to believe inferior to American institutions.

I am sorry I have to discuss this bill in this way, but that is the manner in which it comes before the House, and I hope the gentleman from South Carolina [Mr. LEVER] will see his way clear to accept the amendment I have suggested.

Mr. LEVER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. BENNET].

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I make the point of order that this cotton-futures bill is not properly before the Committee on Agriculture; that—

Mr. LEVER. Mr. Chairman, I make the point of order that that point is not well taken and is evidently dilatory.

Mr. MOORE of Pennsylvania. I would like to bring it up, even if it is disposed of by the Chair.

The CHAIRMAN. The Chair will remind the committee that the House by rule has made this special bill in order at this time; and the point of order is overruled.

Mr. LEVER. Mr. Chairman, section 11 of the cotton-futures bill was made a part of that bill for two purposes, one to prevent the evasion of the law, and the other to provide, if possible, an international standard of grade and contract. There has been a great deal of misrepresentation of the effect of section 11.

Now, what is that section? We have provided in this cotton-futures bill a method for the control of the operations of our own future-cotton exchanges. In the same bill we are undertaking by legislation—indirectly, I admit—to bring about a universal system for handling cotton contracts. We attempt to get other exchanges of the world—Liverpool, Bremen, Havre, and the recently established exchange at Rotterdam—not only to adopt our standard of measurement of the grades, but at the same time to adopt our contract, as far as possible, so as to protect the farmers of this country, who export 66 per cent of their cotton, from improper grades and improper and depressed contracts.

Now, it has been asserted very frequently that this section 11 as it appeared in the old law was a discrimination in favor of the British operator. Theoretically there may be something to that statement, but in practical effect there is nothing to it. But that criticism does not lie in this bill, because we have recommended section 11a, which makes it impossible for the operator on a foreign exchange to have executed for him an order on an American exchange unless the contract and the grade of the foreign exchange meet substantially the requirements of the American standard of grade and contract.

Now, then, I assert that it means greatly to the benefit of the farmers of this country if we can say to them, "You produce the cotton that is sold in the world, and we are going to give you the right under law in this country and abroad, if we can, to fix for yourselves what the standard of measurement shall be of that which you produce and likewise the character of contract upon which you sell your product." Is that a bad undertaking? Is not that a carrying out of the desire of the cotton producers of this country? I think there is no question about it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I raised the point of order a moment ago that this bill was improperly before the Committee on Agriculture, and the Chair ruled that the point was not well taken. In the few moments I have I want to refer to the permanent rules of the House, which provide that all matters "pertaining to the revenue and the bonded debt of the United States shall be referred to the Committee on Ways and Means." Those matters to be referred to the Committee on Agriculture are "agriculture and forestry," "which committee shall receive the estimates and report the appropriations for the Agricultural Department." There is nothing in the permanent rules of this House which gives the Committee on Agriculture the right of jurisdiction over tax bills. That is clearly a function of the Committee on Ways and Means, and this bill is improperly before this Committee of the Whole now, because it provides—section 3 on page 2—for a tax of 2 cents per pound on the cotton involved, and so forth, and in subsequent paragraphs it provides for taxes all along the line. Hence the rules of the House are overridden, and a purely revenue proposition is taken from the great Committee on Ways and Means, and jurisdiction over the matter of revenue is assumed by the Committee on Agriculture, which has absolutely nothing to do with that question. But the Chair has ruled, and I shall say nothing further about it for the present.

I have offered an amendment which proposes that the Secretary of Agriculture shall report to the Congress what he does in the way of appointing people to serve under this act. It is important that we should have that sort of information in this House, if we are to uphold the limitations that have been imposed by law upon other departments of this Government. As this bill now stands, and as most of the provisions providing appropriations for salaries in the Department of Agriculture now stand, that department is a law unto itself. Those rules and limitations and legal restrictions which bind other departments do not bind the Department of Agriculture.

Yesterday we had an evidence of this when discussing the appropriation for carrying out the law which this amendment is to be attached to, with respect to the government and control of the cotton exchanges of the country. It developed then that we were employing 26 men, the total appropriation for all purposes being \$150,000. We were employing 26 men who had no special work to do, because the law under which they were employed had been declared unconstitutional.

Now, in the matter of the migratory-bird act, it appeared upon inquiry by the gentleman from Illinois [Mr. CANNON] that we were appropriating \$50,000 for a large number of assistants and specialists and experts who were apparently performing, when the law under which they had been appointed had been declared unconstitutional.

I wish I had time, in the five minutes to which we are restricted under this rule, to go into this matter of the specialists and the experts that the Secretary of Agriculture can appoint at will, without restriction or limitation as to the salary, under this appropriation, but the five minutes is up. How-

ever, we find the salaries run up to \$3,000, not fixed by law, as in every other department, but fixed in the discretion of the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TRIBBLE. Mr. Chairman, I desire to review the history of this legislation. Since I have been in Congress this House has passed what is known as the Scott bill twice. The Scott bill prohibited gambling in cotton futures. The year previous to the investigation by the Committee on Agriculture of this question which resulted in the production of this bill the House passed what is known as the Scott bill almost unanimously. There was scarcely a protest on the floor of this House against it.

The exchanges, Mr. Chairman, saw the end of the cotton exchange and the gambling in futures. What did they do? The next year after the passage of the Scott bill almost unanimously by this House, the cotton exchanges, through their officials—the president and ex-presidents of the cotton exchanges—appeared before the Committee on Agriculture and changed the attitude in regard to cotton-future legislation.

The gentleman from South Carolina [Mr. LEVER] is one of the best men in this House, he is thoroughly conscientious in supporting this bill, and I regret that I can not agree with him on this bill. I will read from the hearings, first from Mr. Hill, who has been in the cotton-exchange business 30 or 40 years, and who has been appearing periodically in Washington for 21 years on this question. He says:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Hill is not the only one who testified. I read:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the malls. I think the business can stand a small tax.

Yes, gentlemen, they fought the Scott bill to a finish. They fought it to where they were lost, and they knew they were lost. They knew this House had passed it twice. They knew the House had passed it once unanimously, and they knew that the Senate could not stand out against the Scott bill any longer. You will notice Mr. Hill said:

I think the business can stand a small tax.

That is what the bill is; and, as I understand the hearings, he approved legislation along the line of this bill.

Another man, a president of the New York Cotton Exchange, Mr. Marsh, also appeared before the committee, and here is what he says:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

Then he added:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

The man who had fought it so vehemently and the crowd that had tried to defeat it and had been run over in this House twice again appeared before this committee and, as I understand the hearing, approved the principles contained in this bill before the House. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 12, line 21, after the word "conditions," strike out the words "And provided further" and the rest of line 21, lines 22, 23, 24, and 25; also on page 13, lines 1 to 10, inclusive.

Mr. JOHNSON of Washington. Mr. Chairman, I offer this amendment for the purpose of asking the chairman of the Committee on Agriculture what the word "hedging" means in line 24 of page 12. I want to get some information about the method of "hedging" in the cotton business, as permitted in line 24, page 12. What does "hedging" mean?

Mr. LEVER. "Hedging" means sale on a future contract against a contemplated spot delivery of cotton.

Mr. JOHNSON of Washington. Is not that a form of gambling?

Mr. LEVER. It is not.

Mr. JOHNSON of Washington. It is an effort to protect a sale by another sale?

Mr. LEVER. "Hedging" is defined by those who know this business as an insurance against accident in the course of transportation of the product from the point of shipment to the point

of delivery and a protection against fluctuations in the value of spot cotton. It is the antithesis of gambling.

Mr. JOHNSON of Washington. How is the insurance made?

Mr. LEVER. The insurance is made through these operations on the exchange. For instance, if I were to sell a thousand bales of cotton to a firm in Manchester, England, for delivery next January, in order to protect myself against any fluctuations in the market in the meantime I would buy on the Liverpool exchange a future contract for 1,000 bales of cotton, January delivery.

Mr. JOHNSON of Washington. Would both deals be consummated?

Mr. LEVER. Both deals would be consummated.

Mr. JOHNSON of Washington. And the actual cotton delivered in both cases?

Mr. LEVER. When I delivered the cotton I would sell my future contract, and that would consummate the deal.

Mr. JOHNSON of Washington. I thank the gentleman for the information.

Mr. CARAWAY. Mr. Chairman, on page 4, line 20, at the end of the line, I move to strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The gentleman from Arkansas offers an amendment that the Clerk will report.

The Clerk read as follows:

Amend, on page 4, in line 20, by striking out the words "seven-eighths" and inserting the words "three-fourths."

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I want to talk to you gentlemen who are not familiar with cotton growing. Amendment No. 2 is a grain bill. I do not know anything about that, and when we reach that I shall be largely governed by your views. You will pardon me for going just a bit into my history, merely to acquaint you with the conditions and to show that I know something about cotton. When I was first able to lift a hoe I went to work in the cotton fields, and as a hired hand, as a share cropper, as a tenant, and in later years as a landlord in a moderate way, and a ginner of cotton, I have learned something about cotton.

Last year when this bill was before this House I did not vote. I was then rather persuaded that it was a splendid bill for the spinner and a disastrous bill for the cotton grower. However, in deference to the Committee on Agriculture—for I have the very highest regard for all the members of that committee—I would not put my judgment against theirs. But we have had one year of experience now, and we know about it. Notwithstanding the fact that there were 5,000,000 bales less cotton grown in 1915 than in 1914, and notwithstanding the fact that there was an increased consumption of cotton up to the 31st day of March, 1916, over the 31st day of March, 1915, spot cotton—that is, the actual cotton—has sagged from the opening day of the market to the present time.

This bill provides that a man who wants to purchase cotton, a spinner, can go to an exchange and make a binding, valid contract with that exchange to deliver to him so many bales of cotton of a certain grade at some fixed time in the future. That being true, he knows what his cotton is going to cost him. He does not then have to put his money into it. Cotton costs considerable if you carry many bales of spot cotton. He does not have to pay insurance or commission or storage. He simply makes a contract with somebody who agrees that at some future date agreed upon between the two he may have as many bales of cotton of a certain grade as he wants. Under the system that existed before that time he could not make such a binding, valid contract, and the result was that if he wanted cotton he had to buy it when it was in the market to be sold.

We commence to gather cotton about the middle of August and continue up to the first of the year, but in the months of September, October, and November three-quarters of all the cotton that is grown is put on the market. That cotton is grown by people who are compelled to sell, and in the common parlance we say that is the "distressed" cotton. That is cotton grown by people who are unable to carry it. Some merchant has furnished them the money to make it. Somebody has advanced them the money to gather it. They even have to have the ginning paid for in many instances, and the consequence is that as soon as they get their cotton gathered they must sell it. Heretofore spinners went into the market at that time and actually bought spot cotton, but under the provisions of this bill they do not do so. They can say to the exchange man, "I am going to need 20,000 bales of cotton of a certain grade next summer to spin." The cotton exchange man says, "All right, I will let you have it at, say, 10 cents." Instead then of going into the market and becoming an active bidder for 20,000 bales of spot cotton, when the people who have grown it are compelled to sell it, this

spinner puts his hands in his pockets and sits back in his office, and leaves a market in which there are thousands and thousands of bales of cotton that must be sold with nobody to buy it. The result is that the cotton grower is beaten out of his cotton.

Mr. TRIBBLE. Mr. Chairman, I wish to offer a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] has been recognized once and can not be recognized again—

Mr. TRIBBLE. I ask unanimous consent that I be allowed to introduce a substitute.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent that he may be permitted to offer an amendment in the nature of a substitute. Is there objection?

There was no objection.

Mr. TAYLOR of Arkansas. Mr. Chairman, I ask unanimous consent that my colleague [Mr. CARAWAY] may proceed for five minutes.

The CHAIRMAN. The gentleman has surrendered the floor and the committee by unanimous consent has granted to the gentleman from Georgia [Mr. TRIBBLE] permission to offer an amendment.

Mr. TRIBBLE. I move to strike out all after the first word and insert the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Georgia offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out all after the word "that," on page 1, and inserting the following:

"Certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word 'message' shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word 'person' shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things."

"SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$1,000 nor less than \$100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense."

Mr. LEVER (interrupting the reading). Mr. Chairman, enough of the amendment offered by the gentleman from Georgia has been read to enable me to make a point of order against it. I know what the amendment is—it is the old Scott bill, and it will take half an hour to read it.

Mr. TRIBBLE. Then the gentleman admits that it is the old Scott bill.

Mr. LEVER. Yes. I am not trying to conceal anything. I make the point of order that the amendment proposed by the gentleman from Georgia is not germane to the amendment under consideration.

The CHAIRMAN. Does the gentleman from Georgia want to be heard?

Mr. TRIBBLE. It is the same subject as is the amendment under consideration. The amendment under consideration is to regulate cotton futures, and this proposition is along the same line—exactly the same question involved.

Mr. HOWARD. If the Chair will permit one additional statement to that made by my colleague. The Scott bill—and it is admitted that it is the Scott bill—was regulatory of the cotton-future business. That was the intent of the law, to regulate cotton futures.

Mr. LEVER. The gentleman is very much mistaken.

Mr. HOWARD. What was the purpose of it?

Mr. LEVER. The Scott bill was enacted as the gentleman from Georgia [Mr. TRIBBLE] intends this to be, to absolutely put the cotton exchanges dealing in futures out of business.

Mr. HOWARD. And you propose to do it by taxation.

Mr. LEVER. We do not propose to do it.

Mr. HOWARD. Now, this bill before the House regulates the question of exchanges and future sales of cotton by taxation. The other, the Scott bill, regulates it by prohibiting it and forbidding them the use of the mails or interstate commerce; both of them deal with the exchange. The subject matter of the Scott bill is the subject matter of this bill, namely, the cotton exchanges and the control of them. It is germane and in order, I respectfully submit. This is the way to get rid of the devil and that is what we are after. [Laughter.]

Mr. LEVER. Mr. Chairman, if the Chair will permit, I would like to call the attention of the Chair to this fact: The amendment under consideration is an effort, through the taxing power of the Constitution, to regulate the operation of the cotton-future exchanges of this country. There is no attempt in this amendment, I say very frankly, to abolish cotton-future trading in this country. The purpose of this bill is solely to regulate the conduct of these exchanges so that their contracts, which are quoted from morning to morning, upon which the price of spot cotton is based in all markets, shall really represent the true average value of spot cotton in the United States at that time. That is the purpose of the amendment, and we rely on the taxing power to do that.

Now, the amendment offered by the gentleman from Georgia—and I am quite familiar with it, because I was on the subcommittee which helped to draw it and on the full committee that reported it out—the purpose of the old Scott bill was, and if it had gone into operation the effect would have been, to absolutely close the doors of the exchanges. There was no purpose to regulate future sales in that bill; the only purpose was to destroy the exchanges and the bill relied upon the commerce clause of the Constitution and the control by Congress of the postal facilities to accomplish this end.

Now, I submit that on a bill, the purpose of which is to regulate by certain methods a transaction another proposition intended to destroy absolutely, that transaction through other methods can not be germane.

Mr. HOWARD. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. HOWARD. The provision in the Scott bill was that unless the transaction was accompanied with an affidavit that it was a bona fide transaction and that it would be delivered, it was an unlawful act. That did not destroy the legal transaction, but it destroyed the illegal transaction.

Mr. LEVER. If the gentleman knew as much about this as the gentleman from Tennessee—

Mr. HOWARD. I admit that I am powerfully ignorant. [Laughter.]

Mr. LEVER. If he knew as much about it as the gentleman from Tennessee knows about it, he would know that there is not a cotton-future exchange in existence which could live for a minute if everyone of these contracts had to be fulfilled by delivery and if the Scott bill went into operation. It would absolutely destroy the exchanges, and every man on the committee knew it.

Mr. HOWARD. The gentleman will admit that the Supreme Court of the United States has determined time and again that the power of Congress to regulate carries with it the power to destroy.

Mr. LEVER. That may be; but I am discussing the point of order before the House.

Mr. HOWARD. I am, too.

Mr. LEVER. And I submit that the bill which seeks to destroy a thing absolutely is not germane to a proposition which seeks only to regulate its conduct.

Mr. DAVIS of Texas. Mr. Chairman, I wish to be recognized on the point of order. We are dealing with a very serious problem. The Supreme Court has decided definitely—and it is an accepted proposition of law—that the power to regulate, the power to tax, is the power to destroy, and I hope it will have that effect in this amendment. I am now more determined than ever in respect to this amendment, since I have heard the chairman's explanation. The whole issue is involved in this one fact: That if we accept the chairman's position we leave the exchange with the full power to control the absolute spot market of the United States, with no competition by the actual buyer or spinner down among the ranks of the cotton growers, and hence they have a legalized unscrupulous monopoly in touch with the exchange in Liverpool, and they can put a final price on every bale of cotton in the United States six hours before the farmer gets out of bed in the morning.

The CHAIRMAN. The gentleman from Texas is not discussing the point of order. The Chair will be glad to hear him on the point of order.

Mr. DAVIS of Texas. Mr. Chairman, I am discussing the reasons why the point of order ought not to exist. We are dealing with the power to regulate.

The power to regulate carries with it the power to kill, and I want to kill these exchanges and then kick them to show them there is punishment after death. The power to tax carries with it the power to kill. The Scott bill may kill it, but, my God, if it is to be left with the monopoly that the chairman admits, I hope it will, and it is absolutely germane, because it regulates. If it regulates unto death, that is their misfortune and the farmers' good fortune.

Mr. SIMS. Mr. Chairman, it has been so long since the Scott bill was before the House that I would not undertake to state positively its terms. That is the reason why the bill should be read, and I think now it ought to be read before we discuss the point of order. The Scott bill made it unlawful to make fictitious deals, and all you had to do was to make an affidavit that your contract was genuine, that you intended to deliver if you sold it or intended to accept delivery if you bought. It seems to me it is absolutely regulatory, because a man could not swear he intended to receive delivery unless he intended to do so. It was cumbersome and would have been hard to execute. The taxing power is much better and a more convenient way to abolish gambling contracts.

Mr. HOWARD. Mr. Chairman, I submit that this amendment ought to be read. If there is any doubt about what the provisions are, we would at least like to have it go into the Record for the preservation of parliamentary procedure.

The CHAIRMAN. If the gentleman insists upon it, the Clerk will read.

Mr. TRIBBLE. I do insist upon it. This will not be taken out of the time, will it?

The CHAIRMAN. Oh, no. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than \$5,000 nor less than \$500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oaths shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$1,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 nor less than \$500, or shall be imprisoned not more than five years nor less than one year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried

by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

Mr. MILLER of Pennsylvania (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Pennsylvania. Why can not this whole thing be printed in the Record? Nobody is paying any attention to what the Clerk is reading.

The CHAIRMAN. It will be printed in the Record.

Mr. MILLER of Pennsylvania. I ask unanimous consent that it be put into the Record without being read.

Mr. MOORE of Pennsylvania. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects, and the Clerk will read.

The Clerk read as follows:

Sec. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

Sec. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

Mr. OLIVER. Mr. Chairman, I submit that the point of order made by the gentleman from South Carolina [Mr. LEVER] is not well taken. The amendment introduced by the gentleman from South Carolina is in order only by reason of a special rule making in order "legislation to regulate exchanges." In order for the Chair to determine what then would be in order under such rule, the Chair must of necessity determine what is the meaning of the term "regulate." The Supreme Court has uniformly held that power to regulate carries with it the power and the right to prohibit. If that be the meaning of the word "regulate" as interpreted by the Supreme Court in cases that are strictly analogous, certainly the same would hold in interpreting the meaning of the word in the rule under which we are here acting. But it is not necessary for the Chair to adopt such conclusion in order to hold that this amendment is in order, for the reading of the substitute which the Chair has just listened to clearly shows that it authorizes contracts on the exchange and seeks to specify a class of contracts that are not lawful. It is clearly then germane and within the general purpose of the amendment offered by the gentleman from South Carolina. The reading of the substitute, it seems to me, can leave no doubt in the mind of the Chair that the insistence of the gentleman from South Carolina that the substitute is a bill to destroy, even if the Chair should hold that the rule was not sufficiently broad to authorize such an amendment, is not well taken. The substitute does not go that far. It simply regulates, just as the amendment offered by the gentleman from South Carolina seeks to do, and for that reason there can be no question as to the point of order not being well taken.

The CHAIRMAN. Does the gentleman see any distinction in this fact, that the amendment offered by the gentleman from South Carolina seeks to attempt to regulate certain proceedings by the process of taxation, while the substitute offered by the gentleman from Georgia seeks to perhaps accomplish the same thing, but in a different way entirely, by the imposition of fines, in the nature of criminal procedure?

Mr. OLIVER. I can not understand that there could be any difference when the primary purpose of both bills is to regulate and to define what contracts are lawful and permissible, even though it might be sought to accomplish such regulation by different methods in the two bills. Both of these bills provide a criminal penalty for violations. The position of the gentleman from South Carolina is that while the Scott bill, which is the substitute, does not in fact prohibit exchanges by its terms, yet he would have the Chair, for the purpose of sustaining his point of order, conclude that because of his statement that he believes the effect of the Scott bill would be to close down the exchange, that such is its purpose and effect.

Certainly the Chairman would not determine the purpose and effect of this substitute by considering a statement made on the floor to the effect that perhaps it may not be profitable, if this law is enacted, for exchanges to continue business under it. The belief of the chairman of the committee does not determine, if you please, what is the nature and purpose of a law, but only the reading of the language of the law can be looked to by the Chair in order to ascertain its purpose and effect.

Mr. SIMS. Mr. Chairman, now, of course, the present amendment to the Agricultural bill starts out by proposing a tax of \$10 a bale—2 cents a pound. That is a proposition simply and singly by itself, but which is followed by providing a sort of a contract by which, if executed, no tax at all is to be collected, but it also has many other provisions in it besides the one with reference to taxation. The Chair will see by examining the bill that there is much in this amendment besides the taxing provision, and he will see by the Scott bill that there is much in it besides simply preventing the buying and selling where there was no intention to deliver or accept delivery.

The underlying purpose of this bill is to legalize dealing in futures where no delivery is intended, where no cotton is to be delivered and none to be accepted, by simply complying with the form of contract mentioned therein, but it also refers to grades and legislates concerning a number of things besides taxation, just as the Scott bill did, and making it a misdemeanor or crime to buy that which you do not want and sell that which you have not got and do not expect to deliver. But the main object is to prevent fictitious trading in cotton upon the various exchanges of the country, to which each of these bills applies. Of course the taxing power is used in one instance and the criminal statute in another, but the Scott bill provides that certain kinds of contracts shall be absolutely void, and it provides how valid contracts shall be made; that is, by making an affidavit to accompany the contract; and then it can be executed under the law and be protected, and it only makes the so-called fictitious contracts where the parties to them do not intend to comply with the terms of them; and this \$10 a bale tax will not absolutely destroy the cotton exchange not only where delivery is not intended, but where it is, from the fact that no legitimate business could be done on the cotton exchange if dealers had to pay \$10 a bale tax.

Now, avoiding the tax by using a certain form of contract is a mere subterfuge to legalize fictitious dealing where all the parties to the transaction have not the slightest idea of doing anything except to settle by way of margin, the loser paying the difference and the winner getting what the loser loses, which has always been called a gambling or wagering contract, where the whole purpose and object of the deal is that I am to get your margin or you are to get mine.

Mr. CARAWAY. Mr. Chairman, I want to call attention to section 3 of the so-called Lever amendment. It says:

There shall be levied a tax in the nature of an excise tax of 2 cents for each pound of cotton involved in any such contract.

That would be \$10 a bale on the cotton. Of course, that is prohibitive. If there was not a subsequent section in the bill by availing himself of the provisions of which the dealer can get around the provisions of section 3, it would close every exchange in America the day it went on the statute books.

Now, the Scott bill provides that if they make a contract and do not do certain things in connection with it, they are in violation of the law, and its penalties are so harsh that it would close the exchanges. Each one gets its jurisdiction to deal with the matter by a provision of the bill that would absolutely close the exchanges. Then each in a different way provides the means by which those who deal on the exchanges may avoid the penalties of the bill, the object being the same in each, each starting out with the provision that would close the exchanges, and each having subsequent provisions by means of which those who deal with them may avoid the penalties of the statute. And, therefore, if one is in order the other would necessarily be, under the rule.

The CHAIRMAN. The Chair is ready to rule. Naturally the Chair would like to have had more time to consider this matter, and it may be that he may not be of the same opinion to-morrow as he is to-day; after he has had time to look this matter up carefully he may change his opinion.

I think it has been the experience of every Chairman who has had to deal with these many matters that it is very difficult to determine sometimes just what is germane and what is not. It is not always true that things pertaining to the same general purpose or object are germane, one to the other. But in this case it seems to me that the only difference that I have been able to detect, only hearing the two amendments read, is that one seeks to accomplish a certain purpose through the process of taxation, and the other by a little different method, to wit, by the imposition of fines for the violation of certain provisions of the amendment.

The Chair is reminded of this fact, however, that in 1904 the House had under consideration a bill carrying an appropriation for an enforcement of the Chinese-exclusion act. There were certain provisions in that bill that changed existing law. The Chairman, who was then Mr. Theodore Burton, held that if a

point of order had been raised to those provisions it would unquestionably have been sustained, but the point of order not being raised, was therefore waived, and the matter was in consequence properly before the committee.

In this case the matter under consideration offered by the gentleman from South Carolina [Mr. LEVER] is made in order by a special rule, so that point can not be raised as to his amendment. Then the matter made in order by special rule, or permitted to be in order by reason of the fact that no point of order is made against it, stands the same as any other matter that is naturally in order before in the bill; but Chairman Burton laid down this rule that if a paragraph was included in the bill which had a taint of illegality, or which was contrary to existing law, that paragraph can be perfected or corrected by an amendment; but if a further paragraph proposed as an amendment carries a further illegality, affecting the whole paragraph, it is not in order.

It appears to the Chair that that is pretty sound doctrine. What has been bothering the Chair is whether the Tribble amendment does not go beyond the amendment made in order by special rule and introduce a new and further encroachment upon existing law. Yet the Chair recognizes and realizes that in the main both amendments are intended to accomplish practically the same purpose.

Mr. KELLEY. Mr. Chairman, has the Chair ruled?

The CHAIRMAN. The Chair has not yet concluded. The Chair would like to have had ample time to consult precedents, but the Chair has thought upon it, and inasmuch as it is necessary to rule now, the Chair is going to overrule the point of order.

The gentleman from Georgia [Mr. TRIBBLE] has the right to discuss his amendment for five minutes if he desires to do so. If not, the Chair will recognize the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, I just want to make a request. When the gentleman from Arkansas [Mr. CARAWAY] had the floor a while ago, his time expired when he was making what was to me a very illuminating statement. I do not know about the effect of this legislation upon cotton, and I would like to vote, of course, to benefit the cotton producers; and I therefore ask unanimous consent that the gentleman from Arkansas be given five minutes more in which to continue the statement he was making when his time expired.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may proceed for five minutes. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, how much time remains?

The CHAIRMAN. Twenty-seven minutes remain.

Mr. LEVER. I imagine a goodly number of gentlemen here would like to discuss the matter. I have no objection to the gentleman from Arkansas going on, because he always makes a good statement.

The CHAIRMAN. Is there objection?

Mr. LEVER. I shall not object.

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. MANN. Reserving the right to object, Mr. Chairman, the Chair did not submit any proposition. I could not hear what the conversation was.

The CHAIRMAN. The Chair did submit the request of the gentleman from Michigan [Mr. KELLEY], that the gentleman from Arkansas [Mr. CARAWAY] be permitted to proceed for five minutes, and then later the Chair inquired if there was objection to that request.

Mr. MANN. I think the Chair asked if there was any objection, but I did not hear what it was.

The CHAIRMAN. If the gentleman from Illinois objects—

Mr. MANN. I did not know what the proposition was, and I do not know yet. I knew there was a conversation going on there, but I did not know what it was.

The CHAIRMAN. The gentleman from Michigan [Mr. KELLEY] asks unanimous consent that the gentleman from Arkansas [Mr. CARAWAY] may have five minutes more time. Is there objection?

Mr. MANN. Reserving the right to object, how much time is there left?

The CHAIRMAN. Twenty-seven minutes.

Mr. MANN. Is that applied for?

The CHAIRMAN. Not to the Chair.

Mr. LEVER. Mr. Chairman, I do not understand that the request is that this five minutes shall be in addition to the time fixed by the rule.

The CHAIRMAN. No; it comes out of the general time. The gentleman from Arkansas is recognized.

Mr. CARAWAY. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. KELLEY] for his kindness in this matter.

I was discussing with gentlemen on this side of the House the possibilities of this bill with reference to the man who grows cotton. Now, as I said before, the cotton crop is gathered principally in the months of September, October, and November, and three-fourths of the crop is sold in these months. We sell it in this way: A man picks his cotton and carries it to the gin, and there it is ginned and wrapped in bales of approximately 500 pounds each, and the man who owns it usually owes the merchant in that town all that it is worth. He delivers to the merchant his gin ticket, as it is called, which entitles the merchant to that bale of cotton, and the price is fixed usually by the prevailing price in the market on that day, less the price of transportation and commission for selling. For instance, if cotton is worth 12 cents on the market in Memphis, the price of that grade of cotton at my home town, 60 miles from Memphis, would be about 11½ cents. It varies from day to day. Now, there are two classes of people who buy cotton. There is the man who buys the spot cotton, who actually intends to manufacture the cotton, the spinner; and there is the man who buys the future cotton, who says, "I will buy a thousand bales of cotton, March, April, or May." The future-cotton price, of course, is governed not by the conditions existing at the time he buys, but by the conditions existing at the time the cotton is to be delivered—which is never to be delivered, as a matter of fact.

The man who has spot cotton must sell according to the demand. He has a product, and he must sell it from day to day. There is but one legitimate source to which he may look for a buyer, and that is the spinner. Heretofore the spinner has gone eagerly into the market while the cotton was in the hands of the grower, because the history of cotton is that ordinarily when it is out of the hands of the grower it has gone up. The spinners have gone actively into the markets at every cotton-selling center in the United States, and you will find hundreds and hundreds of buyers of cotton, not only from all the spinners in America but from the spinners all over the world. That cotton is sampled in large allotments, and these buyers from day to day buy that cotton. But under the provisions of this bill they do not have to do that. Usually the man on the cotton exchange is what we call a bear. He wants the price of cotton to be as low as possible. The spinner agrees with him. Under this bill they can make a binding contract, and all the dealer on the cotton exchange has to do is to say to the spinner, "Well, there will be for sale to-day on this market a hundred thousand bales of cotton. You want 20,000 bales. You do not need it until next summer. Now, you stay out of that market and I will agree that I will deliver to you all the cotton you want next August—that is, 20,000 bales of cotton—at a certain fixed price." The spinner has nothing to lose, because under the provisions of this bill, if the exchange man does not deliver to him that particular cotton, he can collect the commercial difference and go into the market and buy that many bales of cotton. He has nothing to lose, and therefore he will readily agree to do it. Here are a hundred thousand bales of cotton, owned by poor people who can not carry it. The spinner is the only man to buy it. He will not buy it, because it costs \$60 or \$70 or \$80 a bale to carry spot cotton, and it only costs a dollar a bale to carry future cotton. He therefore stays out of the market, and the market sags, and the man who grew the cotton and put 12 months of toil into it has no one to buy it. He has to sell, and therefore it drops in price from day to day, as it has done every day this year.

Pass this bill and every grower of cotton must suffer and every spinner will profit, and the gamblers will continue to rob the producer of the fruits of his toil. Pass it and little children must grow up in poverty and in want. Pass the substitute of the gentleman from Georgia [Mr. TRIBBLE] and millions of the toiling poor of our Southland will bless you for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I desire to oppose the amendment of the gentleman from Georgia [Mr. TRIBBLE]. I am glad the gentleman from Michigan [Mr. KELLEY] is interested in this proposition. I desire to call to his attention some of the facts involved in it.

The amendment that I have offered has not been hastily drawn. It has not been crudely drawn, but it has been drawn by the greatest experts that the Secretary of Agriculture could assemble in the Department of Agriculture. Every line of this bill has undergone the closest scrutiny of the best experts that the Government has been able to put its hands on.

Now, this law was in effect for more than 12 months, and what happened? Let us see if the bill works out in the interest of the farmer or not. Immediately after the opening of the European war the exchanges closed and remained closed until November 16 following. The cotton-futures act became effective February 18 following that. When the exchanges opened they opened with two contracts in force—one the old contract, under which they had operated for years, and against which this legislation was directed, and a new contract, drawn in anticipation of the law which was to go into effect on the 18th of February. I would like these farmers to give me their attention for a moment. I hold in my hand a comparison of the relative value of these two contracts during the period when they were both in use. Without going into the details, because that would cover several pages of the RECORD, you will find that the contract drawn in compliance with the provisions of this amendment which I have offered sold each day from 20 to 40 points higher than the old contract. [Applause.]

Mr. CARAWAY. Will the gentleman yield?

Mr. LEVER. I can not yield. Translating that into dollars and cents it means from \$1 to \$2 a bale on each bale of cotton in the South, or from \$15,000,000 to \$30,000,000 more to the southern farmer. That is what it means.

Now, let me call the attention of my friend to another thing. On the 13th of September last the cotton-futures act was held unconstitutional by District Judge Hough, of the southern district of New York. We should expect that if this law had not been a good thing, if it had depressed the market, when that decision was announced the price of cotton would promptly have gone up. Would not that be what you would expect if this bill had not been doing what I claim for it? But what happened? I read from the New York Journal of Commerce and Commercial Bulletin of the morning after the law was declared unconstitutional:

It was a day of surprises. Prices advanced early 30 points or more and then two things hit the market hard, so hard that it came down to something like the traditional thud. These two blows were first the failure to predict killing frost over last night, none having occurred over the holiday, and, second, and hardest of all, the fact that Judge Hough, of the United States district court, had handed down a decision declaring the Lever bill unconstitutional on the ground that it was a violation of the Constitution of the United States, as the measure originated in the United States Senate and not in the House.

I quote again:

EXIT LEVER BILL?

Looks like it from a decision in the United States district court, if upheld by the Supreme Court. It caused heavy selling and a rapid reaction after a rise of 30 to 33 points.

Again I quote:

The rumor that the Lever bill had been declared unconstitutional caused selling around 12 o'clock, and January fell to 12.70 cents after being up to 13.08 cents on the early trading.

The fact is that while the market that morning had been a bull market, having gone up 33 points, or a little more than \$1.50 a bale, within 10 minutes after the rumor reached the New York Exchange membership that this law had been declared unconstitutional the market broke 30 points, or \$1.50 a bale, representing a loss of \$22,500,000 to the cotton farmers of this country.

Mr. TRIBBLE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Inasmuch as the committee allowed the gentleman from Arkansas [Mr. CARAWAY] five minutes additional, I would like to have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. How much time will remain?

The CHAIRMAN. Seventeen minutes.

Mr. MANN. I shall object unless I have some time.

Mr. HUGHES. Mr. Chairman, it is always with deep regret that I am forced to differ with the distinguished gentleman from South Carolina, the chairman of the great Committee on Agriculture, but on this issue I must disagree with him.

I have ever been opposed to the measure which he to-day advocates. I am a cotton grower myself, and I have the honor of representing a large agricultural cotton-growing district, and the second great cotton-growing State in this Union.

The Scott bill passed this House almost unanimously twice, and I wish to say that I believe I speak the sentiments of the cotton growers of the great State of Georgia when I say that they approve the Scott bill. I went over the State and discussed this proposition with them, and when the Scott bill was presented they showed their almost united approval.

I sincerely hope that this substitute will be adopted. I believe it should be, because it is in the interest of the cotton growers of this country. Mr. Chairman, the cotton growers of this country feel that their great crop of cotton should not be

priced by two great cities—one New York and the other New Orleans. The cotton growers of this great country are willing to comply with the calls of supply and demand.

Mr. LEVER. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. LEVER. Does the gentleman know that six presidents of the Farmers' Union have taken the position that this law ought to be reenacted at the earliest date, with the exception of section 11?

Mr. HUGHES. Anything that the gentleman from South Carolina states is the truth. They may favor it; but I tell you, my countrymen, that the majority of the cotton growers of this country do not favor it. They feel that they have been swindled and robbed by these speculators in their cotton. They expect the representatives of the cotton growers to defend their interests on the floor of this House. Now, I acknowledge that there are some good points in the gentleman's bill. I agree to that; but there is enough that is injurious and wrong and detrimental to the farmers of the country to more than offset the good that there is in it, and because of that I shall vote against it.

It has been said, and perhaps it is true, that the bill presented by the distinguished gentleman from South Carolina is a far better measure than the plan upon which these exchanges are to-day operating. That may be true, Mr. Chairman, but whereas that may be true we are willing to kill the better of the two so as to be sure to kill the worse at the proper time, and we propose to fight this to the finish and ultimately give the cotton growers of this country the right to control the price of their cotton. [Applause.]

Now, how can they do this? It has been said from the very fact that the cotton exchange in New York was closed in 1914, when war was declared in Europe, there was and could be no sale for cotton. The gentlemen who make that statement are mistaken. I was in Georgia at that time, and before the New York Exchange opened and saw fit to give the farmers an opportunity to sell the great money crop of this country cotton was selling at my own little town for 6 and 7 cents a pound. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I do not remember whether I objected to the extension of remarks of the gentleman from Georgia two years ago or not. I objected to a lot of extensions at that time on this bill in order to show the House that there was a very important bill, with only 20 minutes of debate on a side. Now we have 30 minutes' debate in reference to this bill, supposedly on a side. It is a very important proposition. At that time the bill passed 4 to 1 in favor of it, with less than 25 per cent of the membership of the House present.

Now what is the situation? The Committee on Agriculture has reported a bill, which is before the House, H. R. 11861. Members have had an opportunity to examine that bill. Here is a rule which makes the provisions of that bill in order as an amendment to the Agricultural bill. Not many of us know very much about that bill, although it was enacted into law, with the exception of a very small portion of it. But now, during the middle of an hour's debate, when more than half of the time has expired, an amendment is proposed to be inserted containing something entirely different. Gentlemen say that the original proposition will be detrimental to the farmers raising cotton, and other gentlemen say that the substitute is absolutely essential. Why, nobody has had any opportunity to examine it. There is no consideration of it. This is no proper method of legislation. I do not know how meritorious the substitute may be; I can not vote for it. I do not know what it is, and I am not willing to take legislation on the theory of a pig in the poke.

I do know what the Lever bill is, reported from the committee. I am willing to vote for that, although I am not enthusiastic about it. I do not think we ought to be asked to vote in the House for a matter which gentlemen say is so very important without knowing anything about it. The Lever bill is now the law, depending on whether it is constitutional or not.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. No. I voted against the rule and the gentleman from Tennessee voted for it.

Mr. SIMS. The Scott bill passed the House twice, as the gentleman will remember.

Mr. MANN. I do not know whether it did or not. I will take the gentleman's word for it. I probably did not vote for it, although I do not remember. The Lever bill is brought in here with an hour's debate and seeks to enact into law that which Congress tried to enact, but missed it by a technicality. We ought not to be expected to vote for a proposition of as great importance as this, seeking to abolish the present method

of dealing in one of the great products of the country, without any knowledge of it whatever. I can not do it. [Applause.]

Mr. TRIBBLE and Mr. HEFLIN rose.

Mr. TRIBBLE. Mr. Chairman, haven't I got five minutes?

The CHAIRMAN. The gentleman has not five minutes, unless he gets it now.

Mr. HEFLIN. How much time is there left?

The CHAIRMAN. Seven minutes; and the gentleman from Georgia [Mr. TRIBBLE] having proposed an amendment, and the committee consenting to his being recognized at that time, the Chair feels that he is entitled to speak.

Mr. HEFLIN. But the gentleman from Georgia has already addressed the committee. I am a member of the Committee on Agriculture.

The CHAIRMAN. The Chair recognizes that, and that is the embarrassing fact; but the gentleman from Georgia having proposed an amendment, it occurs to the Chair that he ought to have the time. [Cries of "Regular order!"]

Mr. HEFLIN. He has already spoken upon it.

The CHAIRMAN. The gentleman from Alabama, then, is recognized—a member of the committee.

Mr. HEFLIN. Mr. Chairman, I am going to offer an amendment to this bill, and I send it to the desk and ask the Clerk to read it.

The Clerk read as follows:

Page 2, line 9, after the word "corporations," add the words: "who produce or deal in actual cotton; that contracts on the cotton exchanges of the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase hedge sales made by producers, spot buyers, and spinners."

Mr. HEFLIN. Mr. Chairman, the bill regulating cotton exchanges as reported by the committee—the Lever bill—is already the law, with the exception of the changes made in section 11. It has some very valuable provisions in it, provisions not contained in the substitute offered by the gentleman from Georgia [Mr. TRIBBLE]. His substitute passed the House a few years ago. It is the old Scott bill. I supported that bill when it was up for consideration then. But that bill could not pass the Senate then and it could not pass that body now. This bill has four or five provisions in it that are not contained in the Scott bill, offered as a substitute by the gentleman from Georgia, and one of them is that whenever a dispute arises on the exchange as to the grade of cotton tendered on the contract, either one of the parties can call upon the Secretary of Agriculture to decide that question. Under the old law there was no appeal from the decision of the exchange. When its committee said that the grade was this or that there was no appeal from that decision, and that situation alone cost the cotton producers millions of dollars every year. I suggested the provision which gives the Secretary of Agriculture the right to decide the grade when called on to do so. The committee on fixed differences on the exchanges used to determine what the difference was between good ordinary and strict middling, and there was no appeal from that, and that committee could change in one night the difference that it had announced just a day or two before, and injure one of the parties to the contract by its arbitrary action. [Applause.] That committee on fixed differences is put out of business by the provisions of this measure, and the commercial difference between the grades is now provided for in this bill, and the Secretary of Agriculture is required to find out what the commercial difference is, by going to five spot markets in the South. [Applause.] I submit to gentlemen that those two provisions alone are sufficient to warrant the support of a measure of this sort rather than a return to the old system. I take pride in the fact that I suggested that the commercial difference should be required, as the law now provides.

Not only that, but this bill requires the exchanges to adopt the nine grades of cotton standards fixed by the Congress and now in use in the Agricultural Department and in the exchanges in the United States. The Scott bill, offered here as a substitute, contains none of these provisions, and I submit to my friends from the cotton-growing States that no bill should be seriously considered with these important provisions left out.

The Scott bill can not pass here and it could not pass the Senate. Now, then, if the Supreme Court should declare the present law unconstitutional, why the exchanges would return to the operation permitted under the old law when dog-tailed cotton and fixed differences ruled the price. If the cotton exchanges can be properly regulated, and I believe that they can, so that they will really help to distribute the crop and become a legitimate institution, serving buyer and seller both in the matter of aiding the law of supply and demand, well and good. The gentleman from Georgia [Mr. TRIBBLE] wants to kill them

outright. I will say frankly that if I had my way I would establish spot-cotton exchanges all over the South. I think that we will have them some day, but until we do get them established we must not destroy any legitimate agency that deals in cotton. If we adopt my amendment, it will confine these dealings in cotton futures to the producer, to the spot buyer and the spinner and those who buy their hedge sales. These are the persons to whom dealing in futures should be confined. The producer is making, we will say, 20 bales of cotton. Let him go upon the exchange and sell 20 bales if he wishes. The merchant buys 20 bales, and he says, "I do not know what the price will be in two weeks or a month from now and I will go on the exchange and hedge." He ought to have the right to do that. The spinner buys 50,000 bales, and he says, "I ought to be permitted to hedge." Let him go on the exchange, and let him use the exchange to help him carry any loss that may come in fluctuation in the price. The spinner contracts to sell 5,000,000 yards of cloth, and buys real cotton with which to make the cloth. He does not want the price to go down after he buys, then let him go on the exchange and protect himself if he so desires. Under my amendment all contracts have behind them real cotton. It will confine speculation, in the main, to hedging transactions, and that is the object of it. If we make 10,000,000 bales and 10,000,000 bales are sold for hedging purposes, only 20,000,000 bales are handled in both spot sales and future contracts. Now, many times that amount is sold in a single season. My amendment will confine contracts to actual cotton and the hedge sales that they represent. You can keep track then of all the contracts and know exactly what is going on in the cotton business. Vote for my amendment and the exchanges can be made useful and serviceable to all persons who are really interested in the cotton business. [Applause.]

Mr. LEVER. Mr. Chairman—

Mr. TRIBBLE. Mr. Chairman, I do not think the gentleman intends to take all my time.

The CHAIRMAN. The gentleman has not any time more than any other Member of the House.

Mr. TRIBBLE. The gentleman stated before this argument began that "the gentleman from Georgia was entitled to five minutes," and I relied implicitly upon his statement.

The CHAIRMAN. And the gentleman from Georgia was recognized, but took his seat and did not occupy the five minutes.

Mr. TRIBBLE. I did not so understand it. I ask unanimous consent that I may be allowed to proceed for three minutes.

The CHAIRMAN. The Chair will also remind the gentleman from Georgia that he was very anxious to recognize him.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for three minutes.

Mr. LEVER. Mr. Chairman, the time was fixed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent—

Mr. LEVER. Just one minute. I reserve the right to object. If we extend it to the gentleman from Georgia, we are bound in all courtesy to the gentleman from Texas who was here a moment ago and asking for time. With the distinct understanding that I will object to any further—

Mr. MOORE of Pennsylvania. Reserving the right to object, how much time is there remaining under the one-hour arrangement?

The CHAIRMAN. Two minutes.

Mr. MOORE of Pennsylvania. Can not the gentleman from Georgia [Mr. TRIBBLE] get through in two minutes?

The CHAIRMAN. Is there objection?

Mr. HARRISON. Mr. Chairman, I make the point of order. The Committee of the Whole can not change a rule adopted by the House.

The CHAIRMAN. The Chair thinks it could if by unanimous consent. Is there objection?

Mr. HARRISON. I object.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. MANN. The House fixed the time.

Mr. LEVER. Mr. Chairman, I desire to bring to the attention of the gentlemen from the South particularly in these two minutes the attitude of the farmers of the South as that attitude is expressed in certain resolutions which have come to me. I read from the resolutions signed by the marketing committee of the farmers' union, composed of presidents of the following State farmers' unions and representing the national organization:

O. P. Ford, president and member of the marketing committee, Farmers' Union of Alabama, McFall, Ala.

J. L. Shepard, president and member of the marketing committee, Farmers' Union of Florida, Greensborough, Fla.

O. W. Taylor, president and member of the marketing committee, Farmers' Union of Oklahoma, Roff, Okla.

I. N. McCollister, president and member of the marketing committee, Farmers' Union of Louisiana, Many, La.

H. N. Pope, president and member of the marketing committee, Farmers' Union of Texas, Fort Worth, Tex.

I can not read all of these resolutions, but they say this:

We most respectfully urge that you immediately reenact into law the Smith-Lever bill, omitting section 11 and section 11a, thereby saving an untold amount to the producers of this country.

In another resolution of this same marketing committee it is said:

Resolved further, That attention be called to the fact that the Alabama law is an indorsement of the act of Congress known as the United States cotton-futures act, which act is the result of years of study in the interest of the producers of cotton by the best brains and the ablest men representing the Southern States in both branches of Congress; further, that its practical trial during the past year has demonstrated that (excepting section 11, which restricted business with foreign countries) it meets the needs of the cotton growers, eliminating evils which have heretofore been complained of.

Furthermore, I desire to read from a letter from Mr. McCollister, president and member of this farmers' union marketing committee, addressed to me under date of March 10, as follows:

We take the view that the Smith-Lever bill as originally drawn, with the exception of section 11 and section 11a—

Mr. ASWELL. What have you done with those?

Mr. LEVER. They are in the bill. I will be frank with the gentleman. I disagree with that view of it. It says further:

If eliminated, is the most constructive legislative act that has ever been placed on the statute books of our country.

This is what the representatives of the farmers are saying.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

Mr. WINGO. Reserving the right to object—

Mr. TRIBBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TRIBBLE. May I ask that the gentleman have the privilege of an extension of five minutes for the purpose of addressing the House?

Mr. LEVER. I object to the privilege.

The CHAIRMAN. All time has expired. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment offered by Mr. SIMS.

Page 3, line 8, after the word "tax," insert "not less than 10 cents per bale."

Page 10, line 14, after the word "tax," insert "not less than 10 cents per bale."

Page 12, line 4, after the word "tax," insert "not less than 10 cents per bale."

Page 14, line 2, after the word "tax," insert "not less than 10 cents per bale."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amendment No. 2, offered by Mr. BENNET: Page 11, line 20, strike out all of section 11.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BENNET. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 50, noes 56.

Mr. BENNET. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LEVER and Mr. BENNET to act as tellers.

The committee again divided; and the tellers reported—ayes 58, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3, offered by Mr. MOORE of Pennsylvania: Page 20, line 6, after the word "receipts," add the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the dates of such appointments, the purposes for which such persons were appointed, and the salaries paid to them."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 30, noes 86.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 4, offered by Mr. JOHNSON of Washington—

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 5, offered by Mr. CARAWAY: Page 4, line 20, after the word "than," strike out "seven-eighths" and insert "three-fourths."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. CARAWAY].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. LEVER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks for a division.

The committee divided; and there were—ayes 26, noes 73.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report No. 7.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent—

The CHAIRMAN. The Clerk will report No. 7. The amendment No. 6 is in the nature of a substitute, and we will perfect the text of the original bill first by voting on amendment No. 7.

Mr. HOWARD. That is the Heflin amendment?

The CHAIRMAN. Yes.

The Clerk read as follows:

Amendment No. 7, offered by Mr. HEFLIN: Page 2, line 9, after the word "corporations," add the words "who produce or deal in actual cotton. That contracts on the cotton exchanges in the United States for the future delivery of cotton shall be confined and limited to individuals, corporations, or associations who produce, buy spot cotton, and consume cotton in manufacturing establishments, or persons who purchase the hedge sales made by producers, spot buyers, and spinners."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HEFLIN].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. HEFLIN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 14, noes 71.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. SHERWOOD. Mr. Chairman, let the amendment be read again.

The CHAIRMAN. Does the committee desire to have this amendment reported again?

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that instead of reading the amendment, I may have two minutes in which to explain it.

Mr. MANN. It has already been read.

The CHAIRMAN. It is not absolutely necessary to read the amendment. It has been read once. It could, in fact, only be read by unanimous consent. The question is on agreeing to the amendment in the nature of a substitute, offered by the gentleman from Georgia.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. HOWARD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 29, noes 78.

So the amendment was rejected.

The CHAIRMAN. The question is now on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

Mr. MANN. Mr. Chairman, I move to amend page 2, line 1, by striking out the word "act" and inserting the word "part."

Mr. LEVER. Mr. Chairman, I want to state to the gentleman—

Mr. ANDERSON. Mr. Chairman, I make the point of order that debate is not in order.

Mr. LEVER. I will say to the gentleman that I do not think that change will have the effect the gentleman thinks it will have.

Mr. WINGO. Mr. Chairman, I make the point of order that all debate is exhausted.

Mr. MANN. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. The gentleman from Illinois withdraws the amendment. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. HOWARD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 101, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. RUBEY. Mr. Chairman, I desire to offer amendment No. 2, to be inserted immediately following the amendment that has just been adopted.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the amendment just adopted the following:

"AMENDMENT No. 2.

"Part B.

"That this part, to be known as the United States grain-grades act, be, and is hereby, enacted, to read and be effective hereafter, as follows:

"That this act shall be known by the short title of the "United States grain-grades act."

"Sec. 2. That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than 60 days in advance of such date or dates, by such means as he deems proper.

"Sec. 3. That the standards so fixed and established shall be known as the official grain standards of the United States.

"Sec. 4. That whenever standards shall have been fixed and established under this act for any grain no person thereafter shall ship or deliver for shipment from any State, Territory, or District to or through any other State, Territory, or District, or to any foreign country, any such grain which is sold or offered for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this act and the grade by which it is sold or offered for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any such grain not sold or offered for sale by grade may be sold, offered for sale, shipped, or delivered for shipment in interstate and foreign commerce by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold or offered for sale by one of the grades fixed therefor in the official grain standards may be shipped to or through any place at which an inspector licensed under this act is located, subject, under such rules and regulations as the Secretary of Agriculture shall prescribe, to be inspected at the place to which shipped, or at the place through which shipped for inspection, and subject further to the right of appeal from such inspection, as provided in section 6 of this act: *And provided further*, That any such grain sold or offered for sale by any of the grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped without inspection from a place at which there is no inspector licensed under this act to a place at which there is no such inspector, subject to the right of either party to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine and certify the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this act describe, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States.

"Sec. 5. That no person shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold or offered for sale under any name, description, or designation which is false or misleading, he may publish his findings.

"Sec. 6. That whenever standards shall have been fixed and established under this act for any grain and any quantity of such grain which has been sold, offered for sale, shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may

deem necessary and to determine the true grade: *Provided*, That any appeal from such inspection to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. In every such case the Secretary of Agriculture shall charge and assess, and cause to be collected, a reasonable fee in amount to be fixed by him, which fee shall be refunded if the appeal is sustained. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings.

"Sec. 7. The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect and grade grain for interstate and foreign commerce. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for interstate or foreign commerce which has been inspected or graded by him, or by any person acting under his authority, is of one of the official grades of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has State grain inspection established by law, the Secretary of Agriculture shall, in issuing licenses, give preference to persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him whenever, after opportunity for hearing has been given, the Secretary shall determine that any inspector has been found to be incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this act, or has issued any false certificate of inspection, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has knowingly violated any provision of this act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing.

"Sec. 8. That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

"Sec. 9. That any person who shall violate any of the provisions of section 4 or 7 of this act, or any inspector licensed under this act who shall knowingly or carelessly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly or carelessly give any false certificate of inspection or grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000 or be imprisoned not more than one year, or both.

"Sec. 10. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than \$1,000 or be imprisoned not more than one year, or both.

"Sec. 11. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such corporation, company, society, or association, as well as that of the person.

"Sec. 12. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$125,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this act, including rent and the employment of such persons as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere."

Mr. RUBEY. Mr. Chairman, if I may have the attention of the committee, I would like to present a request for unanimous consent.

This rule provides for one hour and a half of debate. I ask unanimous consent that that one hour and a half debate under the five-minute rule be divided into two parts, one half to be controlled by myself and the other half by the gentleman from Minnesota [Mr. ANDERSON], who is a member of the subcommittee.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the hour and a half of debate permitted on this amendment under the rule be divided into equal parts, one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I should like to ask if the gentleman from Minnesota is in favor of the amendment?

Mr. ANDERSON. I will say to the gentleman that I did not vote to report this particular amendment out of the committee.

Mr. MOORE of Pennsylvania. I have no objection to the gentleman from Minnesota apportioning the time if he is opposed to the amendment. I am opposed to the amendment and desire some time to discuss it.

The CHAIRMAN. Of course the Chair will be very glad to have such an agreement made.

Mr. MOORE of Pennsylvania. I submit that if the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota

[Mr. ANDERSON] are both in favor of the amendment they ought not to apportion the time.

Mr. RUBEY. I do not care who may control the time on the other side. If it is agreeable that the gentleman from Pennsylvania [Mr. MOORE] shall control the time, that is satisfactory to me.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object—

Mr. ANDERSON. I will yield some time to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I do not object.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to know whether the gentleman who will control the time is opposed to the amendment or not. I am opposed to the amendment.

Mr. ANDERSON. I do not care anything about controlling the time on this side of the House. If gentlemen who oppose the amendment desire to control the time or make any other arrangement than that suggested by the gentleman from Missouri [Mr. RUBEY], I shall not object.

Mr. BORLAND. I suggest that if the Republican member of the committee [Mr. ANDERSON] controls the time on his side he will probably be willing to yield to gentlemen on the Republican side, whichever position they take on the amendment, and I am sure the gentleman on this side [Mr. RUBEY] will yield to any Democrat.

Mr. LINTHICUM. I am opposed to the amendment. I am satisfied to have any member control the time who is opposed to the amendment. Otherwise I shall object.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. I object.

Mr. RUBEY. I ask unanimous consent that the time be controlled one half by myself and the other half by the gentleman from Pennsylvania [Mr. MOORE] who is opposed to the bill.

The CHAIRMAN. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent that the time allotted for debate on this amendment be controlled one half by himself and the other half by the gentleman from Pennsylvania [Mr. MOORE]. Is there objection?

Mr. GREEN of Iowa. Mr. Chairman, I do not think that is the proper way to apportion the time, and I object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. If the gentleman from Missouri [Mr. RUBEY] does not desire recognition now, the Chair will recognize the gentleman from Pennsylvania [Mr. MOORE] to offer the amendment which he sends to the Clerk's desk.

Mr. RUBEY. Mr. Chairman, if the gentleman will yield for a moment, I would like to make one further proposition, and that is, that the time be controlled one half by myself and the other half by the gentleman from Illinois [Mr. MANN].

Mr. MOORE of Pennsylvania. I wish to say to the gentleman from Illinois that I have no desire whatever to control the time. It seems to me that always in matters of this kind each side should be represented in the apportionment of the time, and that is all I desire. If the gentleman from Missouri [Mr. RUBEY] and the gentleman from Minnesota [Mr. ANDERSON] are of one mind, the minority will have no representation in the distribution of the time. All I ask is the opportunity to have read in my time what will take about 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania will suspend. Without objection, the Chair will submit the new proposition, that the time on this amendment be controlled one half by the gentleman from Missouri [Mr. RUBEY] and the other half by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. LINTHICUM. The gentleman from Illinois [Mr. MANN] voted in favor of the bill when it passed the House the last time. I think those opposed to the amendment ought to control the time, and unless that can be arranged I shall object.

Mr. RUBEY. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Page 29, line 14, after the word "elsewhere," insert the following: "The Secretary of Agriculture shall report to Congress before July 1, 1916, the names of all persons appointed by him to carry out the purposes of this act, the duties of such appointments, the purpose for which such persons were appointed, and the salaries paid to them."

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LEVER. I object.

Mr. MANN. I shall object to all extensions.

Mr. MOORE of Pennsylvania. Very well, Mr. Chairman; I shall read as much as I can from the memorial of the Commercial Exchange of Philadelphia with reference to this bill. I am going to skip a little, because I can not get it all in. The memorial was forwarded to me by Louis G. Graff, president of the exchange, and I regret it can not now be presented in full. I read:

The export trade of this country is the best friend of the farmer of the United States, and should it be injured, harassed, or taken away we hesitate to forecast the dire consequences to the producer of the crops. The enormous crops raised in this country leave a large available surplus annually for export, which if not disposed of would mean ruinously low prices to our farmers, and we can not expect to secure and hold this foreign trade if our laws regarding the grading of grain are such as to hamper and destroy fair competition with other exporting countries.

The proposed grain-grades act, H. R. 10405, should it become a law would be especially detrimental to the export trade and the farmer inasmuch as its provisions would prevent from competing upon equal terms with our competitors, such as the Dominion of Canada, Argentina, and other exporting countries, these competitors not being amenable to our laws. As a concrete example of this, permit us to say that the United States Department of Agriculture has adopted a standard for grading corn requiring No. 2 corn to contain not more than 15½ per cent moisture, No. 3 corn not more than 17½ per cent moisture; and No. 4 corn not more than 19½ per cent moisture, etc. In the western markets the settling price between No. 2 and No. 3 corn is 2 cents a bushel, and between No. 2 and No. 4 corn as much as 6 cents a bushel. At the present time all of the No. 3 corn can be used for export without docking the farmer or country shipper, but the Department of Agriculture, should the grain-grades act become a law, would prohibit us from doing so, and would therefore legislate in favor of the foreign buyer as well as our competitor and against the producer in this country. Very little corn, as you may know, has as little moisture as 15½ per cent in its natural state or condition, and it is safe to say 2,500,000,000 bushels of the crop will contain a moisture above 15½ per cent. As all corn containing one-quarter or even an eighth higher percentage of moisture would necessarily, under the department's proposed moisture tests, be forced to take the grade of No. 3 corn, the Agricultural Department would thereby reduce the value of this year's crop to the farmers of the country 2 cents a bushel, which, as above stated, is the settling price between the grades of No. 2 and No. 3 corn, or \$50,000,000; this is, of course, assuming it would all grade No. 3 corn, but we know a great deal of it would be below No. 3, and as No. 4 is docked 4 to 6 cents a bushel, it would be a safe estimate to say the loss to the farmer by reason of the proposed grades would be 3 cents a bushel, or \$75,000,000.

Furthermore, our Philadelphia merchants, together with the efficient grain-inspection department of this exchange, by reason of their knowledge and experience in blending wheats, are producing an article which the millers of England, France, and Holland have shown a desire to purchase in preference to those of western markets. It is only within the past two years that the great State of Montana has produced wheat in large enough quantities to become a factor in the export trade. During that time the production of wheat in that State has grown from an unknown quantity to that of 33,000,000 bushels, a matter of great importance to the State, the railroads, the steamship lines, and the export merchants of the entire country. Under our present export grading system we are permitted to bring that wheat from Montana to Philadelphia, and by blending it with wheat from other sections of the United States, are enabled to give to our foreign merchant millers a desired milling article, of which we have shipped millions of bushels within the past year. Under the terms of the grain-grades act this will be impossible.

Another important factor that should be considered in connection with the proposed grain-grades act is that grain graded at western primary points frequently deteriorates in quality while in transit between the western shipping point and the eastern terminus. If the western exporter has sold such grain to the foreign buyer on western certificates of inspection, the question arises as to the attitude of the Government in case the grain arrives at the seaboard out of condition. Will it stop the shipment and compel the exporter to put the grain in good condition, or will the shipment be permitted to continue on its way across the ocean regardless of its condition? It would seem there is a responsibility on the part of the Government in such exigencies after the proposed grain-grades act should be enacted into law. If the Department of Agriculture, under the grain-grades act, permits deteriorated grain as above referred to be shipped on the western certificate of inspection, this would be a serious discrimination against the seaboard exporter. Then again, if this act becomes a law the exporters will of necessity be forced to establish their own brands, which would require every receiver, shipper, and exporter to have their grain stored in separate bins so as to preserve the identity of the grain. This would necessitate largely increased storage facilities, for which the storage capacity of our elevators would prove to be decidedly inadequate, resulting in still further congesting the railroads and interfering with general business.

Mr. RUBEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RUBEY. The gentleman probably knows that the corn standard has been adopted all over the United States, except in Boston, New York, Philadelphia, and Baltimore.

Mr. MOORE of Pennsylvania. I understand the Boston Chamber of Commerce, composed largely of railroad men, are in favor of the bill; but not the Boston grain exporters. I do not know, but the exporters of Philadelphia indicate that the farmer may be deluded by the passage of this bill; that when the crops are in and the grade is a little low there will be no opportunity for the farmer to market his crop, because the standard fixed by the United States Government will be inflexible and his crop will go to

waste. He may have no opportunity, under certain conditions, to market it. I am sorry that I have not the time to read the whole of this memorial, because it ought to go in the Record.

Mr. SUMNERS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; if I have time.

Mr. SUMNERS. Will not the corn be so classified that it will be permissible to be sold under the standard?

Mr. MOORE of Pennsylvania. What will the farmer do who does not come up to the standard? Sometimes the crop is poor. What will become of the farmer if your standard fixed by law is such that he can not come up to it? The weather and soil may determine that.

Mr. ANDERSON. The gentleman knows what becomes of such crops now?

Mr. MOORE of Pennsylvania. The farmer may be forced to lose his crop; to feed it to the hogs. The farmer will have to pay for some of this Federal supervision, too. You are going to make the farmers raise grain by law. I hope he may be able to do so and still find a market.

Mr. RUBEY. Mr. Chairman, I renew my request made a moment ago. The gentleman from Maryland [Mr. LINTHICUM] assures me that he withdraws his objection. I renew the request for unanimous consent that the time be equally divided between myself and the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time be equally divided between himself and the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. HULBERT. Does this relate to the amendment proper?

The CHAIRMAN. Yes; there is an hour and a half debate on the amendment proper.

Mr. HULBERT. Can the gentleman from Missouri give me two and a half minutes?

Mr. RUBEY. I will yield to the gentleman when the time comes.

Mr. FOCHT. Reserving the right to object, I would like to ask the gentleman from Missouri, since he has been unwilling to adopt the amendment proposed by the gentleman from Pennsylvania as to the men who are to be appointed under this law, why he objected to the gentleman from Pennsylvania?

Mr. RUBEY. I did not object to the gentleman from Pennsylvania, and his amendment is still pending and will be voted on.

Mr. FOCHT. The gentleman asks unanimous consent to renew his proposition.

Mr. RUBEY. The gentleman from Pennsylvania does not understand. We have an hour and a half debate on this amendment. Five minutes has already been used by the gentleman from Pennsylvania [Mr. MOORE]. Now I ask unanimous consent that the remaining time be divided equally between myself, to control one half, and the gentleman from Illinois [Mr. MANN] control the other. That does not apply to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. FOCHT. The gentleman previously asked that the time be divided between himself and the gentleman from Pennsylvania [Mr. MOORE]. Why has he changed his mind?

Mr. RUBEY. Because the gentleman from Iowa [Mr. GREEN] objected to that.

Mr. FOCHT. Then I object to this.

Mr. HELGESEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of page 22, insert the following:
"Sec. 3. Whenever by reason of climatic or other conditions any large quantity of grain shall be ineligible to grade under the standards fixed pursuant to section 2 the Secretary may establish supplemental or commercial grades for such grain, and such supplemental or commercial grades may be promulgated upon such notice as the Secretary shall deem proper."

Mr. HELGESEN. Mr. Chairman, I offer this amendment in order to take care of the vast amount of grain which frequently is of such a character as to make it impossible to bring it under the ordinary grades. Frequently we have wet seasons, and while we may have had a very good crop, a splendid crop, after it is cut and shocked rain may come and make it very moist, so much so that when it goes to the market it can not be graded under the ordinary grades. It is then thrown into what is called "no grade." "No grade" may mean a No. 1 hard wheat, which carries a little more moisture than the rules permit, or it may mean an inferior grade.

The market often shows a spread of 20 to 30 cents per bushel in "no-grade" wheat, and in selling through a commission firm it becomes impossible for the farmer to know whether he is getting a fair price for his grain or not.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. What difference would the gentleman's amendment be, if adopted, from the language written

in the bill in line 11 on page 1 and line 2 on page 2? Does not that give precisely what the gentleman is seeking to reach?

Mr. HELGESEN. It does not. This only provides for grades of a quality that can come under the regular standards, but when it goes below the regular standards there is no provision made. In Canada they have the same conditions and they recognize it in this way. In section 87 of their law they provide:

Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this act, the grain standards board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary.

2. Inspecting officers shall grade all classes of grain which can not be graded according to this act in accordance with the commercial samples so selected by the board.

Mr. MOSS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. MOSS of Indiana. Under the Canadian law, when the grade standards are once fixed they can not be modified, and therefore they have the commercial grades of which the gentleman is speaking. Under this proposed law the Secretary of Agriculture is supposed to be given the right to modify the standards whenever he chooses.

Mr. HELGESEN. But the regular grades can be modified only by giving 60 days' notice. The grain may have been cut and it may have been shocked and ready to thrash when the wet season comes along. If you have to thrash it and ship it in a damp condition, the Secretary of Agriculture can not change those grades without a two months' notice, and by that time the grain is gone.

Mr. MOSS of Indiana. Under the commercial grades, of which the gentleman is speaking, in Canada, before they can be established, do not specimens or types have to be established so that they have to be given the purchaser or the seller on demand, and it is not really selling under type after all?

Mr. HELGESEN. No; it is selling under commercial grades not included in the regular grades.

Mr. MOSS of Indiana. In Canada, but before they can establish commercial grades, does not the department have to select a standard and provide that?

Mr. HELGESEN. They have to establish rules, but they do it on a short notice when these conditions require it.

Mr. MOSS of Indiana. What difference is that, then, from selling by type or standards under this bill as proposed?

Mr. HELGESEN. In all the western markets anything that does not come up to No. 4 or No. 5 is graded as either rejected or "no grade." If it carries more moisture than is permitted in the regular grades, it is graded as "no grade," which is absolutely meaningless to the man who sells because it may be "no grade," although No. 1 hard wheat simply because it carries a small amount of moisture more than the rules permit. If this amendment is adopted, rules could be established that a damp No. 2 should be graded as commercial No. 2, indicating that it would be No. 2 if dry, but was too damp to be graded as regular No. 2.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12717, the Agricultural appropriation bill, and had come to no resolution thereon.

HOUS OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. BURKE. Mr. Speaker, this is private-pension day under the rules, and I desire to call up two omnibus private-pension bills, being Nos. 237 and 238 on the Private Calendar, and to ask unanimous consent that they be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bills referred to be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business in order on Monday—the Unanimous Consent Calendar—be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that business on the Unanimous Consent Calendar be dispensed with on next Monday.

Mr. MANN. That is with the understanding that we will try to find some other day soon?

Mr. KITCHIN. Yes.

Mr. FERRIS. Reserving the right to object, let us fix it now.

Mr. KITCHIN. We will fix some other day for that.

The SPEAKER. The gentleman asks unanimous consent that the business that is in order next Monday under the rule be dispensed with on that day. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING ON NEXT MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Saturday, it adjourn to meet at 11 o'clock a. m. Monday.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. on Monday. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

The SPEAKER. The Clerk will report the first pension bill. The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of this bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Nettie Johnson, widow of John W. Johnson, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John George Bauer, late of Company G, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Corda P. Gracey, widow of Samuel L. Gracey, late chaplain, Sixth Regiment Pennsylvania Volunteer Cavalry, and former widow of Harrison O. Pratt, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Elizabeth Propson, widow of John Propson, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah E. Marsh, widow of Charles H. Marsh, late of Company D, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Cecilia Murphy, widow of Charles Murphy, late of Battery M, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Andrew H. Nichols, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary E. Norton, widow of Silas M. Norton, late of Company K, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ann Odell, widow of Thomas Odell, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William R. Latimer, late of Company F, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Rebecca L. Lapaugh, widow of John D. Lapaugh, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lide Smith, widow of Albert G. Smith, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Alice R. Hutchinson, widow of Henry A. Hutchinson, late of Company B, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mary Pritchard, widow of Claudius B. Pritchard, late of Company I, Second Regiment Minnesota Volunteer Infantry, and former widow of John Peltas, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Henry Brown, late of Company B, Fifth Regiment, and Company A, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of \$21 per month.

The name of Moses Green, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George E. Newall, late first lieutenant Company A, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alice Quigley, widow of Charles Quigley, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Winifred Whitney, helpless and dependent child of Adrial L. Whitney, late of Company C, First Regiment Maine Volunteer Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of Marie A. Smith, widow of Lawrence Smith, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Elizabeth S. Chaplain, former widow of John W. Minton, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and widow of Charles Chaplain, late of Company A, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ellen Edwards, widow of Presley Edwards, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis M. George, late of Company I, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harvey W. Hoover, late of Company A, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Fry, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John M. Davidson, late of Company I, Ninety-first Regiment, and Company F, One hundred and twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Justine M. Thrift, widow of William H. Thrift, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and major and additional paymaster, United States Volunteers, War with Spain, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Samuel E. Wilson, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Harper, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Mary J. White, widow of Albert E. White, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Elsie A. Platt, widow of Charles Platt, late of Company B, First Battalion Connecticut Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Adelaide M. Tarbox, widow of George H. Tarbox, late of Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary Whipple, widow of Lucian A. Whipple, late of Company F, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Hannah A. Hill, widow of Robert Hill, late of Company E, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John C. Brown, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Reuss, late of Company H, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Waltz, late of Company K, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Moses Hull, late of Company D, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Margaret M. Lane, widow of Marion D. Lane, late of U. S. S. *Grampus*, *Nymph*, and *Hastings*, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Crome, late of Company H, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James C. Green, late of Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Gowland, late of Company G, Eighth Regiment, and Company M, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of John B. Hammer, late of Company D, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Henry Lichtley, late of Company B, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$21 per month in lieu of that he is now receiving.

The name of Malisa A. Sherk, widow of William Sherk, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company F, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month.

The name of Fannie M. Carey, widow of Daniel W. Carey, late of Company I, and principal musician One hundred and third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Nathaniel Haskell, late of Company E, Fifth Regiment Maine Volunteer Infantry, and Company B, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert N. B. Simpson, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William O'Neal, late of Company E, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Silas Blodgett, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company K, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ella A. Tyler, widow of Benjamin F. Tyler, late of Company K, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Emma J. Beal, widow of Horace W. Beal, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James Beaton, late of Company G, Twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary C. Knowlton, widow of John O. Knowlton, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Sarah C. Greenfield, widow of John Greenfield, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James H. Moser, late of Company F, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adella C. Macauley, widow of Orlando H. Macauley, late captain Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Barney Sancomb, late of Company I, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William P. Nelson, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Marion Kilborn, late of Company I, Ninety-eighth Regiment, and Company H, Sixty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert J. Sprinkle, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas White, late of Company E, Twenty-seventh Regiment, and Company C, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James S. Meek, late captain Company H, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Michael Demuth, late of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin Simpson, late of Company I, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Aaron Benjamin Waggoner, alias Aaron Benjamin, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Merchant, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Elmira E. Morrison, widow of James W. Morrison, late of Company C, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Sarah J. Cadle, widow of Richard Cadle, late quartermaster Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Temperance Smith, helpless and dependent daughter of George W. Smith, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Carrie S. Cross, widow of Samuel K. Cross, late first lieutenant Company A, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James Hawkins, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martha A. Hodges, widow of James L. Hodges, late captain Company K, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Leora L. Macarey, widow of Harlow E. Macarey, late first lieutenant Company K, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles Leeder, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Allison, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ida C. Martin, widow of Edwin L. Martin, late of Company K, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Guy Beebe, late of Company F, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Ellen Lambert, former widow of Robert Lambert, late of Company F, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George W. Doyle, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harvey D. Plummer, alias Harvey D. Picknell, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin H. Whipple, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Gallup, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Peter Soncrant, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Moody, Jr., late of Company A, Sixteenth Regiment, and Company I, Twentieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alphonso W. Longfellow, late of Company C, First Regiment Maine Volunteer Sharpshooters, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Clara P. Boulter, widow of Eugene A. Boulter, late of Company C, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Christian C. Forney, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary A. Moreland, widow of George W. Moreland, late of Company I, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Rebecca J. Short, widow of Ferdinand E. Short, late of Company C, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John L. Short, helpless and dependent child of said Ferdinand E. Short, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Rebecca J. Short, the name of said John L. Short shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Rebecca J. Short.

The name of Mary C. Finlay, widow of Andrew Finlay, late of Companies D and K, Forty-seventh Regiment Illinois Volunteer Infantry, and former widow of John Dolman, late of Company G, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Annie P. Marchant, widow of Amariah B. Marchant, late of Company H, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Henry C. Pennington, late of Company E, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward P. Carman, late of Company F, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sophronia Porter, widow of John W. Porter, late of Company K, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Julia C. Bradley, widow of David B. Bradley, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Matilda Weger, widow of John W. Weger, late of Company F, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mercy A. Martin, widow of Milton Martin, late captain Company F, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late colonel One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Mary M. Lose, widow of Daniel Lose, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Lula S. Knight Bigelow, widow of Jonathan G. Bigelow, late captain Eightieth Regiment and Company K, Eighty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month, with an additional \$2 per month on account of the minor child of said Jonathan G. Bigelow until she reaches the age of 16 years, said pension to be in lieu of all pension now being paid on account of the service of this soldier.

The name of Sarah A. Hanson, widow of George H. Hanson, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Hugh Harbison, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Nellie S. Nason, widow of Nahum A. Nason, late of Company I, Thirteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ruth A. Hazzard, widow of Robert C. Hazzard, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Celina C. Smith, widow of Jesse Smith, late of Company G, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jacob Baker, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Herbert Wadsworth, late second lieutenant Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joanna Swander, widow of William H. Swander, late assistant surgeon Seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of James Hanners, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$16 per month.

The name of John Stone, late of Company E, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Eva Helena Patten, widow of Ambrose E. Patten, late of Company E, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Job D. Marshall, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram Stevens, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Louis Badger, late of Company D, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Martha Nutter, former widow of George D. Trembley, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Erastus T. Bowers, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of David McLean, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alonzo E. Martin, late of Company H, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edwin W. Clark, late of U. S. S. *Sabine, Ohio*, and *Passaic*, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Kern, late of Company H, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Corydon B. Lakin, late first lieutenant Company B, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Emma J. Wamaling, widow of C. Thomas Wamaling, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Thomas E. Sharp, late of Company E, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Della W. Crane, widow of James M. Crane, late of Company C, Fourth Regiment Michigan Volunteer Cavalry, and former widow of Edwin R. Clark, late captain Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Elvira Louisa Kanady, widow of Sanford B. Kanady, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lorenzo D. Emory, late of Company K, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alvin E. Tennant, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month.

The name of Nephi Owen, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Richard H. Bellamy, late of Company C, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Dailey, late second lieutenant Company E, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Elizabeth Holt, widow of John Holt, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

| | |
|---------------------------------|----------------------------------|
| S. 125. Nettie Johnson. | S. 1593. John Gowland. |
| S. 154. John George Bauer. | S. 1594. John B. Hammer. |
| S. 201. Corda P. Gracey. | S. 1599. Henry Lichtley. |
| S. 253. Elizabeth Propson. | S. 1604. Malissa A. Sherk. |
| S. 259. Sarah E. Marsh. | S. 1605. Fannie M. Carey. |
| S. 265. Cecelia Murphy. | S. 1720. Nathaniel Haskell. |
| S. 267. Andrew H. Nichols. | S. 1814. Edwin J. Walton. |
| S. 269. Mary E. Norton. | S. 1960. Robert N. B. Simpson. |
| S. 270. Ann Odell. | S. 1964. William O'Neal. |
| S. 274. William R. Latimer. | S. 1965. Silas Blodgett. |
| S. 283. Rebecca L. Lapaugh. | S. 2146. Ella A. Tyler. |
| S. 526. Lide Smith. | S. 2297. Emma J. Beal. |
| S. 563. Alice R. Hutchinson. | S. 2298. James Beaton. |
| S. 686. Mary Pritchard. | S. 2312. Mary C. Knowlton. |
| S. 695. Henry Brown. | S. 2319. Sarah C. Greenfield. |
| S. 767. Moses Green. | S. 2330. James H. Moser. |
| S. 770. George E. Newall. | S. 2335. Adelia C. Macauley. |
| S. 771. Alice Quigley. | S. 2341. Barney Sancomb. |
| S. 915. Winifred Whitney. | S. 2463. William P. Nelson. |
| S. 963. Marie A. Smith. | S. 2554. Marion Kilborn. |
| S. 1015. Elizabeth S. Chaplain. | S. 2556. Albert J. Sprinkle. |
| S. 1040. Ellen Edwards. | S. 2620. Thomas White. |
| S. 1044. Francis M. George. | S. 2639. James S. Meek. |
| S. 1112. Harvey W. Hoover. | S. 2670. Michael Demuth. |
| S. 1130. John Fry. | S. 2680. Benjamin Simpson. |
| S. 1133. John M. Davidson. | S. 2705. Aaron Benjamin Waggoner |
| S. 1202. Justine M. Thrift. | (alias Aaron Benjamin). |
| S. 1234. Samuel E. Wilson. | S. 2830. John Merchant. |
| S. 1240. John Harper. | S. 2839. Elmira E. Morrison. |
| S. 1339. Mary J. White. | S. 2863. Sarah J. Cadle. |
| S. 1455. Elsie A. Platt. | S. 2893. Ellen Temperance Smith. |
| S. 1458. Adelaide M. Tarbox. | S. 2904. Carrie S. Cross. |
| S. 1459. Mary Whipple. | S. 2907. James Hawkins. |
| S. 1477. Hannah A. Hill. | S. 3015. Martha A. Hodges. |
| S. 1489. John C. Brown. | S. 3017. Leora L. Macarey. |
| S. 1502. Michael Reuss. | S. 3061. Charles Leeder. |
| S. 1514. Henry Waitz. | S. 3126. John S. Allison. |
| S. 1536. Moses Hull. | S. 3149. Ida C. Martin. |
| S. 1557. Margaret M. Lane. | S. 3151. Guy Beebe. |
| S. 1561. William Crome. | S. 3157. Ellen Lambert. |
| S. 1590. James C. Green. | S. 3197. George W. Doyle. |

| | |
|--|--------------------------------|
| S. 3198. Harvey D. Plummer (alias Harvey D. Picknell). | S. 4024. Celina C. Smith. |
| S. 3199. Benjamin H. Whipple. | S. 4040. Jacob Baker. |
| S. 3241. William H. Gallup. | S. 4113. Herbert Wadsworth. |
| S. 3302. Peter Soncrant. | S. 4120. Joanna Swander. |
| S. 3414. David Moody, jr. | S. 4148. James Hanners. |
| S. 3432. Alphonso W. Longfellow. | S. 4151. John Stone. |
| S. 3433. Clara P. Boulier. | S. 4173. Eva Helena Patten. |
| S. 3438. Christian C. Forney. | S. 4178. Job D. Marshall. |
| S. 3463. Mary A. Moreland. | S. 4240. Hiram Stevens. |
| S. 3465. Rebecca J. Short. | S. 4241. Louis Badger. |
| S. 3496. Mary C. Pinlay. | S. 4249. Martha Nutter. |
| S. 3519. Annie P. Marchant. | S. 4293. Erastus T. Bowers. |
| S. 3546. Sophronia Porter. | S. 4296. David McLean. |
| S. 3572. Henry C. Pennington. | S. 4325. John Kern. |
| S. 3583. Edward P. Carman. | S. 4330. Alonzo E. Martin. |
| S. 3674. Mary E. B. Bruson. | S. 4334. Edwin W. Clark. |
| S. 3707. William F. Wiley. | S. 4362. Corydon B. Lakin. |
| S. 3738. Julia C. Bradley. | S. 4363. Emma J. Wamaling. |
| S. 3809. Matilda Weger. | S. 4382. Thomas E. Sharp. |
| S. 3831. Mercy A. Martin. | S. 4403. Della W. Crane. |
| S. 3856. Mary M. Lose. | S. 4442. Elvira Louisa Kanady. |
| S. 3881. Mandana C. Thorp. | S. 4444. Lorenzo D. Emory. |
| S. 3889. Lula S. Knight Bigelow. | S. 4455. Alvin E. Tennant. |
| S. 3905. Sarah A. Hanson. | S. 4491. Nephi Owen. |
| S. 3906. Hugh Harbison. | S. 4520. Richard H. Bellamy. |
| S. 3963. Nellie S. Nason. | S. 4525. James M. Dailey. |
| S. 4012. Ruth A. Hazzard. | S. 4731. Elizabeth Holt. |

The following committee amendments were severally read and severally agreed to:

Page 4, strike out lines 7 to 10, inclusive (pension of William R. Latimer).

Page 5, line 18 (pension to Harvey W. Hoover), strike out "\$30" and insert "\$40."

Page 6, strike out lines 4 to 9, inclusive (pension of Justine M. Thrift).

Page 9, line 21 (pension of Robert N. B. Simpson), strike out "\$30" and insert "\$40."

Page 10, line 1 (pension of William O'Neal), strike out "\$30" and insert "\$40."

Page 10, line 18 (pension of James Beaton), strike out "\$30" and insert "\$40."

Page 11 (pension of James H. Moser), strike out lines 3 to 6, inclusive.

Page 11, line 10 (pension of Adelia C. Macauley), strike out "\$20" and insert "\$24."

Page 12, line 23 (pension of Aaron Benjamin Waggoner, alias Aaron Benjamin), strike out "\$30" and insert "\$40."

Page 14, line 2 (pension of Martha A. Hodges), strike out "\$20" and insert "\$24."

Page 14, strike out lines 11 to 14, inclusive (pension of John S. Allison).

Page 15, strike out lines 3 to 14, inclusive (pensions of George W. Doyle, Harvey D. Plummer, and Benjamin H. Whipple).

Page 18, strike out lines 3 to 6, inclusive (pension of Julia C. Bradley).

Page 18, line 13, strike out "\$20" and insert "\$24" (pension of Mercy A. Martin).

Page 19, line 1 (pension of Lulu S. Knight Bigelow), strike out "\$20" and insert "\$24."

Page 19, line 10, strike out "\$25" and insert "\$20" (pension of Sarah A. Hanson).

Page 21, strike out lines 9 to 12, inclusive (pension of Louis Badger).

Page 24, line 6, after the word "month," insert the following: "Provided, That in the event of the death of Anna Holt, helpless and dependent child of said John Holt, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Elizabeth Holt the name of said Anna Holt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Elizabeth Holt."

Mr. BURKE. Mr. Speaker, I move the bill be read a third time.

The bill was read a third time and passed.

The SPEAKER. The Clerk will report the next one.

The next business on the Private Calendar was the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Laura E. Headington, widow of John W. Headington, late of Company H, and major, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Robert H. Wood, helpless and dependent child of William P. Wood, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The name of John Brin, late of Company G, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Messerschmidt, late of Company E, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nannie B. Turner, helpless and dependent child of William Turner, late of Company G, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$12 per month.

The name of Thomas Haley, alias Thomas Burke, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin F. Goodman, late of Company K, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catherine Strafford, widow of William P. Strafford, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Elizabeth Cumming, former widow of Thomas Cumming, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Matilda E. Pierce, former widow of De Witt C. Kinsman, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Pierce, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Roena F. Duran, widow of Josiah Duran, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of David F. Landon, late of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Isaac M. Chrissinger, late of Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Amanda J. Winkle, widow of Edward S. Winkle, late of Company G, Fourth Regiment, and Company K, Eighth Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Annie E. Osgood, widow of James H. Osgood, late of Company E, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Anna L. Yachmann, former widow of Robert W. Scott, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charly C. Hughes, widow of Logan Hughes, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Eudora E. Phillips, widow of Absalom B. Phillips, late of Company B, Fifty-first Regiment United States Colored Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Catherine Beard, widow of Robert Beard, late of Company A, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Franklin Agnew, late of Company D, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Gertrude Russell, helpless and dependent child of John Russell, late sergeant, Fourth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of William James Richey, late of Company B, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Kelly, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and Company A, Eleventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jennie Raley, former widow of Thomas Raley, late of Companies C and B, First Regiment District of Columbia Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Andrew Silberman, late of Company E, Second Battalion, Fourteenth United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Mapes, late of Company K, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Frank S. Bradley, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Groat, late of Company G, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Andrew J. Storts, late of Company H, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Arabella Smith, widow of Whitmer Smith, late a seaman, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Julia A. Sheck, former widow of Christian Sheck, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Johanna Rost, widow of Gustav Rost, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Le Count, widow of William J. Le Count, late of Company E, Tenth Regiment, and Company B, Fifty-second Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Hannah Wait, widow of Miles Wait, late of Company D, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Aaron D. Eggleston, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jane E. Ulmer, widow of David Ulmer, late of Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Julia A. Walker, widow of K. Walker, late of Company H, Fifteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Warren S. Read, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Anna R. Laing, widow of William H. Laing, late of Company A, McClellan Dragoons, and Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Euphema Gatts, former widow of Francis Walton, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John H. Rodkey, late of Company E, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Bridget Brassill, widow of John Brassill, late of Company D, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Harriet Quail, former widow of Frederick Pittlucker, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas E. Kellogg, late of Company E, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Catherine E. Bentley, widow of Harvey Bentley, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of William M. Donovan, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary F. Terwilliger, widow of William H. Terwilliger, late of Company E and Company A, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Sabrina A. Broadfoot, former widow of Bela E. Brown, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Benjamin J. Harding, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Bogue, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Eugene H. Steward, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Miller, late of Company F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John T. Myers, late of Company G, One hundred and seventy-fifth Regiment, and Company D, One hundred and eighty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan C. J. Slocum, widow of Lewis F. Slocum, late of Company A, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Martha M. Miller, widow of James M. Miller, late of Company I, Fourth Regiment Indiana Volunteer Cavalry, and One hundred and twenty-fourth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month.

The name of John F. Myers, late of Company G, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. Echols, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Edward M. Willis, late of Company C, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Luther Wing, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Leonora Turner, former widow of George Schaefer, late of Company A, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Elijah Coffman, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George H. Solifelt, late of Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company C, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lydia Ripley, widow of Manson M. Ripley, late of Company D, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Alice A. Wing, widow of Charles E. Wing, late of Company I, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Holley, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Eliza M. Baxter, widow of Philo N. Baxter, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of James R. Cowgill, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Theresa B. Streibig, helpless and dependent child of Rony Streibig, late of Company G, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mary E. Clark, widow of William M. Clark, late of Company C, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frank L. Weiss, alias Louis Weiss, late of Company M, Fourteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph R. Kemp, late major, Sixth Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Wallace W. Jackson, late of Company E, Eighteenth Regiment, and Company A, Ninth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha W. Pollock, widow of James W. Pollock, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Montgomery, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary L. Taylor, widow of James P. Taylor, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Koontz, late of Company H, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sinnie Young, widow of William M. V. Young, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles R. Brackett, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William A. Pratt, late of Company C, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William Jones, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Elizabeth Lindsey, helpless and dependent child of Joseph M. Lindsey, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Jessie L. Higby, widow of Jasper N. Higby, late of Company M, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company M, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Thomas Tirrell, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Annie E. McCombs, widow of Isaac A. McCombs, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John Sanders, late of Company G, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lillie E. Spaulding, widow of Charles A. Spaulding, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Wilford M. Taylor, late of Company C, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lena McKee Huffman, widow of James Huffman, late of Company F, Eighty-fifth Regiment, and Company H, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Eliza A. Lantz, widow of Jacob F. Lantz, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company K, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Perry F. Holstein, late of Company D, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Abbie M. Holyoke, former widow of Eugene J. Holyoke, late of Company K, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William H. Willie, late of Company E, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Edward M. White, late of Company H, Eighty-sixth Regiment, and Company B, One hundred and seventy-ninth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Lewis G. Haiston, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Williams, widow of John Williams, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ellen Johnston, widow of Benjamin S. Johnston, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Felix R. Robertson, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James K. Jackson, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah E. Sherman, former widow of James Personett, late of Company G, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William G. Mahaffey, late of Company F, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry Fleisher, late of Company G, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Adaline L. Power, widow of John M. Power, late of Companies F and I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Adelia C. Augur, widow of William E. Augur, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Amanda M. Smith, widow of Plumer Smith, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Perry C. McIntosh, late of Company B, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Henry C. Metcalfe, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles van Ostrand, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John N. Bayles, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Moore, late of Company K, and sergeant major Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Mary M. Slater, widow of Henry W. Slater, late of Company E, One hundred and third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Katharina Betz, widow of John Betz, late of Company D, Thirty-first Regiment Wisconsin Volunteer Infantry, and One hundred and forty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Henry Lee Anderson, late major and brevet lieutenant colonel, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Andrew Chase, late of Company H, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alfred S. Gates, late of Company E, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pradie Duncan, widow of Jackson D. Duncan, late of Company B, Phelps' regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Francis M. Ellis, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James F. Brittain, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John B. Kerr, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Malissa Sunderland, widow of Albert Sunderland, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Martin V. Trapp, late of Company H, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of Ida E. Hazen, widow of John Hazen, late of Company D, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Mary Larkin, widow of James Larkin, late of Company C, One hundred and second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William W. Myers, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Chalmers Canan, late of Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas R. Maples, late of Company F, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$27 per month in lieu of that he is now receiving.

The name of John W. Moon, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lewis A. Rominger, late of Company A, Third Regiment North Carolina Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ellen J. McIntire, helpless and dependent child of John McIntire, late of Company H, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Hermund Gudmandson, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John T. Cox, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary L. Tingle, widow of John W. Tingle, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Susan G. Graham, widow of John B. Graham, late of Company H, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William B. Gere, late major and lieutenant colonel, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The name of Viola Merry, widow of Philander B. Merry, late of Company H, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James F. Dowis, late of Company B, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary Rice, widow of William Rice, late of Company A, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Catherine Hogg, widow of Joseph Hogg, late first lieutenant and commissary of subsistence, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Kate M. Miller, widow of Stephen C. Miller, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of William H. Zombro, late of Company B, Sixty-sixth Regiment, and Company A, One hundred and thirty-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Orlo G. F. Marvin, late of Company D, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wallace Orcutt, late of Company H, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Nancy J. Wigginton, widow of James Wigginton, late of Company B, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of John E. Buehler, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hannah M. Styles, widow of Hyman F. Styles, late of Company B, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James Jerolaman, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Moore, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Elijah C. Davey, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Evan E. Griffis, late of Company G, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Mary Jane Glaser, widow of William M. Glaser, late of Company H, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Silas J. Pickerill, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cunigunda Indlekofer, widow of Martin Indlekofer, late of Company F, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James H. Hower, late of Company F, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Z. Leitner, late of Company D, Eighty-sixth Regiment, and Company A, One hundred and sixty-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George G. Cowan, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William Beach, late of Company B, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hiram Laughlin, late of Company C, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Levi Perkins, late of Company F, Sixty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Fannie M. Lorain, widow of Lorenzo Lorain, late captain, Third Regiment United States Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Charles Decker, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frances Powell, widow of George C. Powell, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Jesus Ochoa, late of Company A, First Regiment New Mexico Volunteer Infantry, and Company B, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William W. McDonald, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Annie M. Sweeney, widow of Dennis Sweeney, late of Company I, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas S. Bostick, late of Company K, One hundred and twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lydia A. McKnight, widow of William J. McKnight, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Isaac F. Moore, late of Company G, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah A. Lofton, widow of John G. Lofton, late of Company I, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Robertson S. Allen, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jefferson O'Hara, alias Thomas J. O'Hara, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucy A. Butts, widow of Frank A. Butts, late of Company H, and major, Forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Angeline Murray, widow of John A. Murray, late of Company K, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George Mahaffey, late of Company I, Twenty-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rosa T. Wallace, widow of William J. Wallace, late of Company A, Eighty-seventh Regiment New York Volunteer Infantry, and Company A, Thirteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Lewis Blish, late of Company E, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jackson Highbanks, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George Ahlhelm, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas R. Gregory, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Cox, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Louisa D. Humphrey, widow of Charles H. Humphrey, late of Company D, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Josiah F. Staubs, late of Company H, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Andrew J. Graves, late of Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Eugene E. Spainhower, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Calvin Green, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ambrose W. Kearsing, late of Company K, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Solomon Berliner, late of Company K, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Esther Randolph, widow of Francis M. Randolph, late of Company G, Seventh Regiment, and Company I, First Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Susan A. Cross, former widow of Jacob F. Jackson, late of Company F, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William G. Stine, late of Company B, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Ottilla H. Smith, widow of Amos T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Milton F. Barry, late of Battery H, First Regiment New York Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Wilson, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Una Stevens, widow of John H. Stevens, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and Company K, Ninth United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lovina Stevens, helpless and dependent child of said John H. Stevens, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Una Stevens the name of said Lovina Stevens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Una Stevens.

The name of Adelaide V. Disbrow, former widow of David W. Ostrander, alias William Arnold, late of Company A, Eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph Baldwin, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Robert J. Yeoman, late of Company I, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah H. Medary, widow of Charles S. Medary, late first lieutenant, Third Regiment United States Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Precilla A. Chilton, former widow of James P. Chilton, late of Company K, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Jane C. Smith, widow of William W. Smith, late of Company C, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Conrad Orth, late of Company B, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Sarah B. Longnecker, widow of John K. Longnecker, late of Company C, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Joseph Babbitt, late of Company F, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Lee, late of Company D, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Whitebread, late of Company F, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Overton Gore, late of Company C, Eighth Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah Jane Ruby, widow of Walter B. Ruby, late of Company K, One hundred and thirtieth Regiment, and Company B, One hundred and eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William H. Hunter, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Joseph P. Wells, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles E. Rowlen, late of Company E, Sixty-second Regiment, and Company I, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles A. Vining, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Malinda Pauley, widow of Shadle R. Pauley, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Luman W. Ames, late of Company C, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel E. Rumsey, late of Company E, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adella I. Cummings, former widow of John A. Cummings, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and major First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Benjamin F. Longenecker, late of Company B, Seventh Regiment, Company D, Fourth Regiment, and Company L, Twelfth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month.

The name of John Brough, late of Company D, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary Jane McKee, widow of James B. McKee, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of George H. Holliday, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Grace E. Ash, widow of Reuben Ash, late of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John W. Jennings, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James C. Summers, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter Haywood Gregory, late of Company A, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nelson Benjamin, late of Company C, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John A. Holland, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Margaret J. Deaver, widow of John W. Deaver, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Carrie Porter, widow of Carille P. Porter, late admiral's secretary, United States Navy, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Alvin Calmes, late of Company A, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas Adams, late of Company K, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Alvina A. Dunham, former widow of Peter Plant, late of Company H, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Cornelia Shoemaker, widow of Andrew Shoemaker, late of Twenty-fourth Independent Battery, Ohio Light Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James H. Raney, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Bowman, late of Company A, Forty-Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Elizabeth Folsia, widow of Joseph Folsia, late of Company E, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Chancery Williams, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James G. Haner, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Hiram Beach, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pleasant D. Broadus, late of Company C, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of James Mitchell, late of Company I, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph W. Anderson, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lenora N. Hoyt, widow of William R. Hoyt, late of Company I, Tenth Regiment, and unassigned, Fifth Regiment, Vermont Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Jeremiah Perrigone, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Joseph A. Gibrant, late of Company E, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adolph H. Schumann, late of Battery C, New Jersey Light Artillery, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Valentine Hinton, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alexander Adams, late of Company E, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jessie E. Stover, helpless and dependent child of Frederick Stover, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Ambrose S. Uselman, late of Company C, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zachariah McClain, helpless and dependent child of Samuel L. McClain, late of Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Sarah M. Roberts, widow of James M. Roberts, late of Company E, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Daniel J. Masters, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Thomas Lynch, late of Company D, Thirty-fifth Regiment, and Company H, Twentieth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac Thacker, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Peter McDoll, late of Company A, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of William Turner, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of James P. Griffin, late of Company K, Third Regiment, and Company H, Fourth Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick M. Chamberlain, late unassigned, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Eliza J. Minks, widow of James H. Minks, late of Company K, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles E. Watts, late of Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Pius W. Wanner, late of Company D, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Frank A. Boyd, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Augusta A. King, widow of John W. King, late of Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The name of Mary S. Switzer, widow of James Switzer, late of Company I, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

| | |
|-----------------------------------|-----------------------------------|
| H. R. 798. Laura E. Headington. | H. R. 1701. Matilda E. Pierce. |
| H. R. 844. Robert H. Wood. | H. R. 1858. William Pierce. |
| H. R. 922. John Brin. | H. R. 1903. Roana F. Duran. |
| H. R. 990. John C. Messerschmidt. | H. R. 1918. David F. Landon. |
| H. R. 1364. Nannie B. Turner. | H. R. 1922. Isaac M. Chrissinger. |
| H. R. 1411. Thomas Haley. | H. R. 2001. Amanda J. Winkle. |
| H. R. 1464. Benjamin F. Goodman. | H. R. 2096. Annie E. Osgood. |
| H. R. 1504. Catherine Strafford. | H. R. 2214. Anna L. Yachmann. |
| H. R. 1573. Elizabeth Cumming. | H. R. 2247. Charity C. Hughes. |

H. R. 2259. Endora E. Phillips.
H. R. 2577. Catherine Beard.
H. R. 2583. Franklin Agnew.
H. R. 2767. Mary Gertrude Russell.
H. R. 2793. William James Ritchey.
H. R. 2887. James Kelly.
H. R. 3120. Jennie Raley.
H. R. 3154. Andrew Silberman.
H. R. 3173. Jacob Mapes.
H. R. 3191. Frank S. Bradley.
H. R. 3203. John Groat.
H. R. 3237. Andrew J. Storts.
H. R. 3274. Arabella Smith.
H. R. 3274. Julia A. Sheek.
H. R. 3816. Johanna Rost.
H. R. 3819. Ellen Le Count.
H. R. 3861. Hannah Wait.
H. R. 3905. Aaron D. Eggleston.
H. R. 3942. Jane E. Ulmer.
H. R. 3984. Julia A. Walker.
H. R. 4323. Warren S. Read.
H. R. 4353. Anna R. Laing.
H. R. 4403. Euphemia Gattis.
H. R. 4422. John H. Rodkey.
H. R. 4426. Bridget Brassill.
H. R. 4535. Harriet Quail.
H. R. 4590. Thomas E. Kellogg.
H. R. 4616. Catherine E. Bentley.
H. R. 4847. William M. Donovan.
H. R. 4894. Mary F. Terwilliger.
H. R. 5009. Sabrina A. Broadfoot.
H. R. 5063. Benjamin J. Harding.
H. R. 5120. William Bogue.
H. R. 5153. Eugene H. Steward.
H. R. 5164. George W. Miller.
H. R. 5237. John T. Myers.
H. R. 5256. Susan C. J. Slocum.
H. R. 5257. Martha M. Miller.
H. R. 5305. John F. Myers.
H. R. 5432. William W. Echols.
H. R. 5495. Edward M. Willis.
H. R. 5585. Luther Wing.
H. R. 5605. Leonora Turner.
H. R. 5617. Elijah Coffman.
H. R. 5671. George H. Solifelt.
H. R. 5824. Lydia Ripley.
H. R. 5885. Alice A. Wing.
H. R. 5910. John Holley.
H. R. 5982. Eliza M. Baxter.
H. R. 5997. James R. Cowgill.
H. R. 6168. Theresa B. Streibig.
H. R. 6185. Mary E. Clark.
H. R. 6261. Frank L. Weiss.
H. R. 6394. Joseph R. Kemp.
H. R. 6637. Wallace W. Jackson.
H. R. 7011. Martha W. Pollock.
H. R. 7088. John Montgomery.
H. R. 7118. Mary L. Taylor.
H. R. 7367. William Koontz.
H. R. 7424. Sinnie Young.
H. R. 7432. Charles R. Brackett.
H. R. 7445. William A. Pratt.
H. R. 7463. William Jones.
H. R. 7658. Elizabeth Lindsey.
H. R. 7806. Jessie L. Higby.
H. R. 7957. Thomas Tirrell.
H. R. 7968. Annie E. McCombs.
H. R. 8123. John H. Sanders.
H. R. 8154. Lillie E. Spaulding.
H. R. 8261. Wilford M. Taylor.
H. R. 8271. Lena McKee Huffman.
H. R. 8280. Eliza A. Lantz.
H. R. 8303. Perry F. Holstein.
H. R. 8322. Abbie M. Holyoke.
H. R. 8389. William H. Willie.
H. R. 8463. Edward M. White.
H. R. 8506. Lewis G. Halston.
H. R. 8584. Mary Williams.
H. R. 8731. Ellen Johnston.
H. R. 8832. Felix R. Robertson.
H. R. 8862. James K. Jackson.
H. R. 8892. Sarah E. Sherman.
H. R. 9005. William G. Mahaffey.
H. R. 9087. Henry Fleisher.
H. R. 9110. Adaline L. Power.
H. R. 9206. Adella C. Augur.
H. R. 9301. John H. Ormsby.
H. R. 9407. Amanda M. Smith.
H. R. 9571. Perry C. McIntosh.
H. R. 9608. Henry C. Metcalfe.
H. R. 9742. Charles Van Ostrand.
H. R. 9774. John N. Bayles.
H. R. 9780. William H. Moore.
H. R. 9796. Mary M. Slater.
H. R. 9832. Katharina Betz.
H. R. 9855. Henry Lee Anderson.
H. R. 9845. Andrew Chase.
H. R. 9977. Samuel Brown.
H. R. 10045. Alfred S. Gates.
H. R. 10048. Prudie Duncan.
H. R. 10184. Francis M. Ellis.
H. R. 10259. James F. Brittain.
H. R. 10294. John B. Kerr.
H. R. 10327. Mallissa Sunderland.
H. R. 10406. Martin V. Trapp.
H. R. 10511. Ida E. Hazen.
H. R. 10533. Mary Larkin.
H. R. 10545. William W. Myers.
H. R. 10739. Chalmers Cunn.
H. R. 10741. Thomas R. Mapes.
H. R. 10757. John W. Moon.
H. R. 10812. Lewis A. Rominger.
H. R. 10980. Ellen J. McIntire.
H. R. 10984. Hermund Gudmundson.

H. R. 11027. John T. Cox.
H. R. 11037. Mary L. Tingle.
H. R. 11038. Susan G. Graham.
H. R. 11039. William B. Gere.
H. R. 11130. Viola Merry.
H. R. 11134. William Girdler.
H. R. 11202. James F. Dowis.
H. R. 11232. Mary Rice.
H. R. 11234. Catherine Hogg.
H. R. 11236. Kate M. Miller.
H. R. 11272. William H. Zombro.
H. R. 11302. Orlo G. F. Marvin.
H. R. 11310. Wallace Orcutt.
H. R. 11342. Nancy J. Wigginton.
H. R. 11357. John E. Buehler.
H. R. 11359. Hannah M. Styles.
H. R. 11397. James Jerolaman.
H. R. 11456. Michael Moore.
H. R. 11509. Elijah C. Davey.
H. R. 11527. Evan E. Griffis.
H. R. 11671. Mary Jane Glaser.
H. R. 11699. Silas J. Pickerrill.
H. R. 11754. Cunigunda Indlekofer.
H. R. 11904. James H. Hower.
H. R. 11907. William Z. Leitner.
H. R. 11918. George G. Cowan.
H. R. 11943. William Beach.
H. R. 11983. Hiram Laughlin.
H. R. 12003. Levi Perkins.
H. R. 12015. Fannie M. Lorain.
H. R. 12101. Charles Decker.
H. R. 12132. Frances Powell.
H. R. 12155. Jesus Ochoa.
H. R. 12175. William W. McDonald.
H. R. 12179. Annie M. Sweeney.
H. R. 12191. Thomas S. Bostick.
H. R. 12235. Lydia A. McKnight.
H. R. 12250. Isaac F. Moore.
H. R. 12304. Sarah A. Lofton.
H. R. 12339. Robertson S. Allen.
H. R. 12361. Jefferson O'Hara.
H. R. 12432. Lucy A. Butts.
H. R. 12451. Angeline Murray.
H. R. 12452. George Mahaffey.
H. R. 12457. Rosa T. Wallace.
H. R. 12466. Lewis Bish.
H. R. 12467. Jackson Hughbanks.
H. R. 12496. George Ahlheim.
H. R. 12505. Thomas R. Gregory.
H. R. 12550. William H. Cox.
H. R. 12558. Louisa D. Humphrey.
H. R. 12565. Josiah F. Staubs.
H. R. 12567. Andrew J. Graves.
H. R. 12576. Eugene E. Spainhower.
H. R. 12593. Calvin Green.
H. R. 12600. Ambrose W. Kearsing.
H. R. 12609. Solomon Berliner.
H. R. 12630. Esther Randolph.
H. R. 12639. Susan A. Cross.
H. R. 12656. William G. Stine.
H. R. 12760. Ottilla H. Smith.
H. R. 12737. Milton F. Barry.
H. R. 12815. William A. Wilson.
H. R. 12821. Una Stevens.
H. R. 12864. Adelaide V. Disbrow.
H. R. 12874. Joseph Baldwin.
H. R. 12911. Robert J. Yoeman.
H. R. 12914. Sarah H. Medary.
H. R. 12943. Precilla A. Chilton.
H. R. 12950. Jane C. Smith.
H. R. 12973. Conrad Orth.
H. R. 13066. Sarah B. Longnecker.
H. R. 13070. Joseph Babbins.
H. R. 13097. Thomas J. Lee.
H. R. 13133. John H. Whitebread.
H. R. 13140. Overton Gore.
H. R. 13142. Sarah Jane Ruby.
H. R. 13148. William H. Hunter.
H. R. 13174. Joseph P. Wells.
H. R. 13175. Charles E. Rowlen.
H. R. 13214. Charles A. Vining.
H. R. 13250. Malinda Pauley.
H. R. 13264. Luman W. Ames.
H. R. 13272. Samuel E. Rumsey.
H. R. 13323. Adella I. Cummings.
H. R. 13359. Benjamin F. Longnecker.
H. R. 13435. John Brough.
H. R. 13437. Mary Jane McKee.
H. R. 13491. George H. Holliday.
H. R. 13551. Grace E. Ash.
H. R. 13562. John W. Jennings.
H. R. 13574. James C. Summers.
H. R. 13576. Peter Haywood Gregory.
H. R. 13608. Nelson Benjamin.
H. R. 13644. John A. Holland.
H. R. 13676. Margaret J. Deaver.
H. R. 13678. Carrie Porter.
H. R. 13699. Alvin Calmes.
H. R. 13725. Thomas Adams.
H. R. 13758. Alvina A. Dunham.
H. R. 13881. Cornelia Shoemaker.
H. R. 13882. James H. Raney.
H. R. 13885. Daniel Bowman.
H. R. 13900. Elizabeth Folsia.
H. R. 13950. Chaney Williams.
H. R. 13995. James G. Haner.
H. R. 14027. Hiram Beach.
H. R. 14086. Pleasant D. Broadus.
H. R. 14099. James Mitchell.
H. R. 14110. Joseph W. Anderson.
H. R. 14156. Lenora N. Hoyt.

H. R. 14206. Jeremiah Perrigone.
H. R. 14214. Joseph A. Gibant.
H. R. 14236. Adolph H. Scharrann.
H. R. 14237. Valentine Hinton.
H. R. 14249. Alexander Adams.
H. R. 14256. Jessie E. Stover.
H. R. 14275. Ambrose S. Uselman.
H. R. 14277. Zachariah McClain.
H. R. 14278. Sarah M. Roberts.
H. R. 14323. Daniel J. Masters.
H. R. 14326. Thomas Lynch.
H. R. 14435. Isaac Thacker.

H. R. 14501. Peter McDoll.
H. R. 14511. William Turner.
H. R. 14516. James P. Griffin.
H. R. 14542. Frederick M. Chamberlain.
H. R. 14555. Eliza J. Minks.
H. R. 14603. Charles E. Watts.
H. R. 14656. Pius W. Wanner.
H. R. 14673. Frank A. Boyd.
H. R. 14829. Augusta A. King.
H. R. 14860. Mary S. Switzer.

During the reading of the bill the following occurred:

Mr. BURKE. Mr. Speaker, the committee offers an amendment to the item beginning on line 23, page 35, pension of Jane C. Smith, widow of William W. Smith. Strike out the figures "\$12" on line 2 of page 36, and insert in lieu thereof the figures "\$20."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 2, strike out "\$12" and insert in lieu thereof "\$20."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKE. Mr. Speaker, the committee offers an amendment, to strike out the words "in lieu of that she is now receiving," on lines 17 and 18 of page 38, in the pension of Adella I. Cummings, former widow of John A. Cummings.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, lines 17 and 18, strike out the words "in lieu of that she is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk proceeded with and concluded the reading of the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURKE, a motion to reconsider the votes whereby the last two pension bills were passed was laid on the table.

INTERNATIONAL TREATIES.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a list of the treaties negotiated by three administrations—the Roosevelt, the Taft, and the Wilson administrations—with comments.

The SPEAKER. To publish all the treaties, or treaties on certain subjects?

Mr. SHERWOOD. International treaties.

The SPEAKER. Does the gentleman desire all the treaties to be published with his remarks?

Mr. SHERWOOD. No; not to print the text of the treaties, but to give a list of those negotiated.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting a list of treaties, and so forth. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4581. An act for the relief of Victor A. Ermerins; to the Committee on Claims.

ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, April 29, 1916, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, reported the same with amendment, accompanied by a report (No. 613), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 614), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak., reported the same without amendment, accompanied by a report (No. 615), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11927) granting a pension to Mary F. Hess, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and a resolution were introduced and severally referred as follows:

By Mr. MCCLINTIC: A bill (H. R. 15156) granting public lands to the State of Oklahoma; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 15157) to confer additional authority upon the President of the United States in the construction and operation of the Alaskan Railroad, and for other purposes; to the Committee on the Territories.

By Mr. WEBB: A bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: A bill (H. R. 15159) for the extension, alteration, and repairs, post-office building, Norristown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SHERWOOD: Concurrent resolution (H. Con. Res. 35) to provide for the settlement of international disputes by arbitration; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 15160) granting a pension to Anna Claxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15161) granting a pension to Mary Ann Weiker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15162) granting a pension to James Green; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting an increase of pension to Marvin W. Bennett; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 15164) granting a pension to Mrs. M. E. Martin, widow of Col. S. M. Archer; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 15165) for the relief of the estate of John J. Wester; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 15166) granting a pension to Sophia Bacon; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 15167) granting a pension to Elizabeth Murcer; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 15168) granting a pension to Susan Jane Hildebrand; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15169) granting a pension to Lily D. Murphy; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 15170) for the relief of William Holbrook; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 15171) for the relief of Adolph Fenton; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 15172) granting a pension to Mrs. Lucinda P. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15173) granting an increase of pension to William A. Bennett; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 15174) granting a pension to Margaret E. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15175) granting an increase of pension to Mary Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to John H. White; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15177) for the relief of Leander Parker; to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 15178) for the relief of Anastasios Argyros; to the Committee on Claims.

Also, a bill (H. R. 15179) for the relief of the family of Nicholas J. Marinos; to the Committee on Claims.

By Mr. OLNEY: A bill (H. R. 15180) for the relief of James D. Leatherbee; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 15181) granting a pension to Christine E. Geiger; to the Committee on Pensions.

Also, a bill (H. R. 15182) granting an increase of pension to George W. Brown; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 15183) granting an increase of pension to Nicholas Scholl; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 15184) for the relief of Maurice Edgar Rose, late assistant surgeon, United States Navy; to the Committee on Naval Affairs.

By Mr. SEARS: A bill (H. R. 15185) for the relief of Marcus Conant; to the Committee on Claims.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 15186) granting an increase of pension to Dallas Mills; to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 15187) granting an increase of pension to Mrs. Mary O. Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15188) for the relief of the legal representatives of Messrs. Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 15189) granting an increase of pension to Antoine Conia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15190) granting an increase of pension to William Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15191) granting an increase of pension to Annie E. Welch; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15192) granting an increase of pension to John Nay; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 15193) for the relief of Henry Marxmiller, alias Henry Miller; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of American women of German descent, protesting against action of British Government relative to Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petition of United Commercial Travelers of America, favoring an investigation of the dairies; to the Committee on Rules.

By Mr. BAILEY: Memorial of officers and delegates of Altoona Branch, German-American Central Alliance, against a break with Germany; to the Committee on Foreign Affairs.

By Mr. BROWNING: Petition of citizens of Atco, Camden County, N. J., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Agnes P. Sisson, of Modus, Conn., and Frances G. Buchanan, M. D., of Washington, D. C., urging report of suffrage amendment; to the Committee on the Judiciary.

Also, petition of Walter B. Grant, of Boston Mass., favoring House bill 11323, for additional United States judge for Texas; to the Committee on the Judiciary.

Also, petition of the Newton Co., of New York, against war; to the Committee on Foreign Affairs.

Also, petition of men and women voters of Tucson, Ariz., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of executive council of United Board of Business Agents of Greater New York and Long Island Building Trades, against reduction of present wage scale in Canal Zone; to the Committee on Appropriations.

Also, petition of the Manufacturers and Business Men's Association of New York, against Tavenner bill, H. R. 8665; to the Committee on Labor.

By Mr. DANFORTH: Petition of Mrs. B. Mack Smith and 15 others, of Rochester, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of citizens of Parkston, S. Dak., against war; to the Committee on Foreign Affairs.

By Mr. DUNN: Petition for the Sims-Kenyon bill to prohibit the interstate transmissions of race-track gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., against sending liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Sylvester P. Carroll and others, of Rochester, N. Y., against the Taylor system in Government workshops; to the Committee on Labor.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring amendment to prohibit appropriation for sectarian institutions; to the Committee on the Judiciary.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill to prohibit interstate transportation of obscene motion-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grace Methodist Episcopal Church, of Rochester, N. Y., favoring bill for Federal motion-picture commission; to the Committee on Education.

By Mr. EMERSON: Petition of citizens of Willoughby, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Reformed Churches of Cleveland, Ohio, against war with Germany; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of St. John's Evangelical Lutheran Congregation, against war with Germany; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of executive council of the United Boards of Business Agents of Greater New York and Long Island Building Trades, against reduction of wage scale of American employees on Canal Zone; to the Committee on Appropriations.

By Mr. FOCHT: Evidence in support of House bill 13019, for the relief of A. M. Harner; to the Committee on Invalid Pensions.

Also, petitions of citizens of Waynesboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, evidence in support of House bill 10605, for the relief of Peter Beichler; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of sundry citizens of Rockford, Ill., relative to the administration of the migratory-bird law; to the Committee on Agriculture.

Also, petition of sundry citizens of Streator, Ill., for House bill 8665 and in opposition to the Taylor system of shop management in United States Government shops; to the Committee on Labor.

By Mr. GRIFFIN: Memorial of the Merchants' Association of New York and the Cotton Goods Export Association of New York, in re the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Boards of Business Agents of Greater New York and Long Island Building Trades and the District Council of Greater New York and vicinity, United Brotherhood of Carpenters and Joiners of America, in re labor conditions in the Canal Zone; to the Committee on Labor.

Also, memorial of the Merchants' Association of New York, in re postal service in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. Ross G. Harrison, of New Haven, Conn., in re Red Cross work in Europe; to the Committee on Foreign Affairs.

By Mr. GOULD: Petition of sundry citizens of central New York, favoring House bills 270 and 712; to the Committee on Ways and Means.

By Mr. GRAY of Indiana: Letters and telegrams by Raymer Gwin, C. E. Cooper, George McConkey, Harmon Hasecoeter, John Weist, Rudolph Smithmeyer, George Mesker, L. E. Bruce, Fred Morgenroth, Henry Wieghorst, Chris Fulle, Herman Anaus, C. W. Addleman, Joseph H. C. Smithmeyer, Henry Helmich, John Rithert, H. Meerhoff, J. G. Kaurch, Albert F. Mayer, William N. Cook, W. C. Lantz, Adam Boes, Fred Noekler, Henry Eggert, William C. Kamper, Oscar T. Auer, jr., Fred G. Mayer, Oscar T. Auer, Edward Wolbard, Thomas E. Jones, Frank K. Ehlenbrikk, jr., Frank Libbert, William H. Dunning, Fred Hackman, C. W. Jessup, Joe Groves, Raymond H. Daning, D. Bertsch, Will Schutte, Raymond H. Duning, J. Henry E. Bode, Fred Hackman, Joe F. Groves, M. Grunzke, Will Schutte, Joseph Schuwatzer, H. Elstro, Frank Libber, Charles H. Hackman, Matt Vonpein, William H. Duning, C. W. Jessup, D. Bertsch, H. Elstro, Frank Kehlenbrink, jr., E. E. Brumfiel, M. Grunzke, Joseph Schweizer, Matt Vonpein, Charles H. Hack-

man, Hans N. Koll, Michael Bosser, James L. Vail, W. W. Dafler, Henry E. Bode, and John M. Lantz, of Richmond, Ind., and G. A. Spring, of Brookville, Ind.; Holy Family Monastery, Oldenburg; Peter Wilhelm, Brookville; William B. Davis, Morristown; H. C. Walter, Mooreland; T. B. Deem, Knightstown; H. R. Muller, Cedar Grove; Mahlon L. Gebhart, Hagerstown; Rev. Andrew Shaof, Brookville; Louis Pfefing, sr., Connersville; Lee Joseph, Brookville; J. O. Breitenbach, Connersville; Louis Dietzel, John Dietzel, Gust Diller, George Simmermyer, Charles C. Hill, Charles Irrgang, and George Herra, of Brookville, all in the State of Indiana, urging warning to American citizens against taking passage on armed belligerent vessels and filed as a protest against a breach of peace relations and war with Germany; to the Committee on Foreign Affairs.

Also, letters and telegrams by Frank Kehlenbrink, jr.; A. J. Blickwedel; Ernest Bode; Fred Hackman; Henry Neuchter; John Bager; John Zwissler; Harmon Hasecoeter; H. N. Koll; William S. Dunning; Richmond Mannerchor, 150 members; William J. Schneider, president, Edward Issen, secretary; South Side Improvement Association, 450 members, A. W. Blickwedel, president, Hans N. Koll, secretary; A. J. Ball, all of Richmond, in the State of Indiana; George Smith, of College Corner, Ohio; M. A. Jacob, of Brookville, Ind.; John Dorn, of Fortville, Ind.; and T. B. Deem, of Knightstown, Ind., protesting against a breach of peace relations and war with Germany; to the Committee on Foreign Affairs.

By Mr. HASTINGS: Petition of First Baptist Church of Porum, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Memorial of Methodist Episcopal Sunday School of South Berwick, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Memorial of Dunbar Grange, No. 1022, on "postalizing the wires"; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petitions of sundry citizens and organizations of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of 56 citizens of Tacoma, Wash., opposing House bill 13048; to the Committee on the Judiciary.

Also, petition of 105 citizens of Tacoma, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 43 citizens of Tacoma, Wash., opposing House bill 652; to the Committee on the District of Columbia.

Also, petition of 59 citizens of Hoquiam, Wash., opposing House bills 491, 6468, and 13778; to the Committee on the Post Office and Post Roads.

Also, petition of Health Officers' Association of Los Angeles County, J. H. Pomeroy, M. D., secretary-treasurer, favoring House bill 8353 and Senate bill 3202, Federal aid for indigent persons afflicted with tuberculosis, etc.; to the Committee on Ways and Means.

Also, petition of Lasker Lodge No. 370, I. O. B. B., I. T. Davidson, president, San Diego, Cal., protesting against Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of board of directors of Automobile Club of Southern California, favoring Federal aid in the construction of road to Mount Whitney; to the Committee on Roads.

Also, petition of Mrs. George F. Otto, George F. Otto, and Amy F. Beardsley, all of San Diego, Cal., favoring strict neutrality for United States in European war; to the Committee on Foreign Affairs.

Also, petition of Albert A. Daniels and 64 other residents of La Mesa, Cal., favoring Ashbrook widows' pension bill; to the Committee on Invalid Pensions.

Also, petition of E. B. Kendall, jr., S. R. Hemingway, Sarah G. Hemingway, A. M. Sargent, Fred V. Sinclair, E. L. Taylor, Walter B. Johnson, and F. P. Morrison, all of Redlands, Cal., and Miss M. E. Lathrope, of South Pasadena, Cal., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of H. W. Scheld and one other of San Diego, and Laura R. Kluge and six others of San Diego, Cal., protesting against the compulsory Sunday observance bill, Senate bill 645; to the Committee on the District of Columbia.

Also, petition of George W. Vogler, Ocean Beach; E. H. Mills, of San Diego, and 7 others; Mrs. Ida B. Bell, of San Diego, and 12 others; H. W. Scheld, of San Diego, and 10 others; Mrs. M. Perkins, of San Diego, and 10 others; Mrs. J. B. Ewer, of San Diego, and 12 others; Mrs. Ida E. Jewell, of East San Diego, and 12 others; Mrs. V. J. Thompson, of East San Diego, and 12 others; A. M. Greer, of San Diego, and 10 others; Selma Poehler, of San Diego, and 13 others; W. R. Young, of San

Diego, and 34 others; Herbert Sawyer, of San Ysidro, and 47 others; Mrs. Ella Bound and 31 others, of Los Angeles, all in the State of California, protesting against House bills 6468 and 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Herbert B. Frisbie, of San Diego, and 55 others; Miss Carlotta C. Pratt, of San Diego, and 55 others; Frederic William Goulding, of San Diego, and 55 others, protesting against House bill 491, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition against a bill to permit the erection of a monument in Arlington National Cemetery to the nuns who served as nurses in the Civil War; to the Committee on Military Affairs.

Also, petition of Herbert P. Sawyer, of San Ysidro, and 47 others, and Mrs. Ella Bound, of Los Angeles, and 31 others, against a bill to make October 12, Columbus Day, a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Central Christian Church, San Diego, John Fleming, president official board, Mrs. Anna L. Riley, Needles, and 4 others, favoring Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of Anna M. Galbraith, of San Diego, and 70 others, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of Epworth League of Taylor Methodist Church, San Diego, A. Ray Neptune, president, favoring House bill 10924, prohibition of rum exports to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEPAGE: Petitions of sundry citizens and organizations of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LLOYD: Petition of citizens of Hannibal, Mo., favoring passage of House bill 8665; to the Committee on Labor.

By Mr. LONDON: Petition indorsing the Nolan \$3-a-day minimum-wage bill for Federal Government employees, from 194 employees in Watertown Arsenal, Watertown, Mass.; to the Committee on Labor.

By Mr. McKENZIE: Petition of Young Peoples' Society Christian Endeavor, Rock Grove, Ill., against sale, etc., of intoxicating liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. MORIN: Petition of Chiropody Society of Pennsylvania, Philadelphia, Pa., in favor of House bill 13717; to the Committee on the District of Columbia.

Also, petition of C. J. Holden, of Pittsburgh, Pa., protesting against House resolution 7624; to the Committee on Patents.

Also, petitions of Frank X. Ecke, jr., Max Peetz, Robert S. Cutlbert, Dr. L. C. Gabriel, Joseph Kinz, William Adrian, H. J. Blum, John Stoeber, jr., Ferdinand Kaufman, L. C. Wingele, F. W. Ernst, C. E. Beschel, F. H. Haslage, Emily Yohing, T. H. James, Frank S. Steele, J. M. Zimmerman, F. J. Schenana, B. Luby, J. J. Dornberger, John Wetzel, Fred A. C. Schumann, John Welcher, Charles Lanny, W. F. Simendinger, Fred Knopf, E. G. Stoeber, George G. Koepf, S. Cohen, Charles Truog, Charles B. Arent, E. O. Adams, J. Mantel, Henry J. Thier, John J. McCaig, Charles E. Allanesius, E. C. Kraft, Frank M. Kern, Charles Siedle, A. A. Berchel, Robert J. Holt, J. W. Ehmann, Leo Sauermilch, Philip Zecker, Henry Iffert, August Schwan, George Frick, G. Golden, and Const. Waldvogel, all of Pittsburgh, Pa., opposed to the United States becoming embroiled in European war; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of sundry merchants of Trumansburg, Owego, Ithaca, Candor, Berkshire, Freeville, Newark Valley, Dryden, and Groton, all in New York State, favoring House bills 270 and 712, to tax persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

Also, petition of Jim Osborn, N. Bernt, John H. Baumann, F. M. Drake, Albert F. Doran, D. M. Rose, Joseph Nitsche, J. P. Cook, Charles Russell, Thomas F. O'Connor, of Corning; J. R. Wilder, J. D. MacMullin, George L. McIntyre, D. Burt Quigley, William E. Smith, Levi Wade, B. C. Bassett, Thomas W. Bailey, of Painted Post; and Roland Huggins, of Ithaca, all in the State of New York, favoring peace; to the Committee on Foreign Affairs.

Also, petition of New York State Retail Jewelers' Association, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWE: Petition of George A. Frederick, of Brooklyn, N. Y., opposing the Shields water-power bill; to the Committee on the Public Lands.

Also, petition of the Merchants' Association of New York, against the Clarke amendment to the Philippine bill; to the Committee on Insular Affairs.

Also, memorial of United Retail Grocers' Association of Brooklyn, N. Y., for Stevens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT of Michigan: Petition of sundry citizens of Mackinaw, Mich., against compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Papers to accompany House bill 15086, for the relief of Lydia M. McGowan; to the Committee on Invalid Pensions.

By Mr. SNELL: Memorial of Albert M. Graham, of Lisbon, N. Y.; Andrew J. Veitch, of Waddington, N. Y.; Joseph Porter, J. R. Middleton, G. H. Sanborn, and George H. Dilcox, of Lisbon, N. Y., protesting against the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

Also, memorial of C. M. Scott, of Lisbon, N. Y.; H. W. Clark, G. H. Sanborn, A. M. Graham, and George H. Dilcox, of Ogdensburg, N. Y., protesting against the passage of the Fitzgerald and Siegel postal bills, House bills 6468 and 491; to the Committee on the Post Offices and Post Roads.

By Mr. SNYDER: Petition of Homestead Aid Association of Utica, N. Y., favoring House joint resolution 55, relative to act to increase internal revenue; to the Committee on Ways and Means.

Also, petition of sundry citizens of the thirty-third New York district, favoring tax on mail-order houses; to the Committee on Ways and Means.

SENATE.

SATURDAY, April 29, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to know ourselves only in the light of the revelation that Thou dost give to us of Thyself. All our devotion to mankind, our interest in man in his social and organized life, arises out of his kinship with God. Because we are so near to Thee and are the objects of Thy care we are the objects of the care of each other. A day in Thy court is better than a thousand. The impression that we get out of the vision of Thy face brings to us a realization of the importance of every event of life. We pray that we may learn out of our vision of God the real meaning and purpose of the life we are living and consecrate our lives to the advancement of man's spiritual and eternal interests. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Thursday, April 27, 1916, was read and approved.

RECLAMATION PROJECTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, certain data regarding reclamation projects. The communication and accompanying papers will be printed in full in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

The communication is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1916.

The PRESIDENT OF THE SENATE.

Sir: An attested copy of Senate resolution of April 1, 1916, has been received, requesting certain data regarding reclamation projects.

These data are given in the inclosed table and the location of the projects is shown on the accompanying map.

The resolution requests the number of projects completed and under way. In this connection it is well to note the fallacies involved in the common use of these terms as applicable to large reclamation projects. Irrigation may begin with the completion of the first portion of the canal system, while the construction of the remainder may extend over a number of years and yet keep well in advance of settlement and development of the irrigable lands. A better knowledge of the water supply gained during those years may warrant additions to the canal system or the development of the community may advance values so as to justify further expense to increase or conserve the water supply, permitting additional land to be served.

Thus in many cases the project as a whole becomes a growing thing and is not to be compared to a single definite piece of construction, such as a dam or office building, but is more like a town or railroad system that in a sense may be regarded as never complete. The transfer of the works to the water users does not alter this condition, but merely shifts the responsibilities to new hands.

On many of the projects work was first undertaken on a definite unit, having in mind some broader conception of the ultimate possibilities. Each step in the development, through the knowledge and experience gained, affects this conception of what the project may finally be and this suffers radical changes with the surveys of additional canal lines and irrigable areas and the accumulation of information regarding water supply, soil quality, and other factors.

There is also constant demand in connection with most of the projects to take in additional lands or units not previously regarded as part of